Angliæ Notitia:

OR,

THE PRESENT

STATE OF England:

Together with

DIVERS REFLECTIONS

UPON

The Antient State thereof.

The Second Part.

By *Edward Chamberlayne*, Dr. of Laws, and Fellow of the *Royal Society.*

In Magnis voluisse sat est —

In the *SAVOY*,

Printed by *T. N.* for *John Martyn* Printer to the *Royal Society*, at the *Bell* in S. *Pauls* Church-yard. 1671.

ON
THE PRESENT

ORNATISSIMO
CONSULTISSIMOQ;
VIRO
D. JOS. WILLIAMSON
LL. D.
E SOCIETATE REGIA
LONDINENSI,
IN REGNI COMITIIS
SENATORI,
REGIÆ
MAJESTATI
AB ARCHIVIS STATUS,
ET
INTIMIORI CONCILIO
A SECRETIS,
HOC
QUALE-QUALE
ENCHIRIDIUM
L. M. D. C. Q.
E. C.

CONSULTISSIMO

To the READER.

IN *a former ſmall Treatiſe, intituled,* The Preſent State of England, *the Authour having given a ſuccinct Account of the* Government, *in* gene-

ral, as 'tis Monarchical; *and therein, of the King, Queen, Princes and Princesses of the Blood, of the Great Officers of the Crown, of the Kings, Queens and Duke of* Yorks *Courts; of the Three States of* England, Clergy, Nobility *and* Commons, *and of divers other Remarkables.*

In

In this Second Part *Of the Present State of England, he hath endeavoured to describe with the like brevity, the* Particular Government *of* England, Ecclesiastical, Civil, *and* Military: *the several Courts of Justice, the Offices and Officers belonging thereunto; and (for the sake of Forreigners) to exhibite*

a particular Deſcription of the Famous City of LONDON, *of the Two renowned Univerſities*, &c. *In erecting ſuch a ſpacious and various Edifice; the Spectator, at firſt View, will hardly conceive how much pains was beſtowed in digging the Foundation, in rayſing Scaffolds, in finding, conveying, and fitting Materials,*

terials, in contriving the Architecture, in removing the Rubbiſh, &c. Other Builders conſult onely their own Brains, and the Dead (that is Books) whereunto Acceſs may be had at all hours; but in this Work, the Living and the choyceſt among them were to be adviſed withall, whereof ſome

were

were farre distant, others seldome at Leisure, some unwilling to communicate their knowledge, others not at all affable.

However, if the Reader, reaping in few hours, the fruits of many months labour, shall receive any Content, the Authour will not onely be

be ſatisfied for this, but encouraged for another like Enterprize.

THE CONTENTS.

A

Admiral 300
Admiralty. 310,459
Archbishops. 28
Archdeacon. 56
Arches Court. 77,442
Audience Court. 78

B.

Becons. 284
Benchers. 418
Bishops Function: 31

Biſho ps Juriſdiction 35
Biſhop making 40
Biſhops Conſecration 46
Biſhops Tranſlation. 50
Britains Burſe. 493
Buidings new. 349

C.

Caſtles. 285
Chancellours. 70
Chancery Court. 226
Chancery Officers. 239
Civilians Colledge. 441
Civilians, a Liſt. 446
Chriſtmas at Inns of Court. 427
Church-wardens. 60
Clark of the Market. 263
High Commiſsion Court. 74
Common Pleas. 192
Common Pleas Officers. 193
Company of Traders. 374
Conſtables High. 262
Conſtables Petty. 268
Convocation. 66

Coroners. 263
Court of Archdeacons. 80
Court of Delegates. 76, 453
Court of Kings Bench 185
Court of Lords. 181
Cursitors. 247
Customs-house. 398

D.

Dean and Chapter. 51
Deans Rural. 57
Doctors Commons. 447

E.

Ecclesiastical Government. 27
Ecclesiastical Persons. 27
Ecclesiastical Censures. 39
Ecclesiastical Causes. 81
Ecclesiastical Laws. 82
Ecclesiastical Tryals. 83
Ecclesiastical Punishments. 85
Exchange Royal. 351
Exchequer. 200

Ex-

Exchequer officers. 204
Exchequer lower. 211
Excommunications. 850

F.

Fire of London. 341

G.

Garrisons. 277
Government of Cities. 264
Government Civil. 97
Government of Counties. 254
Government Eccleſiaſtical. 27
Government Military. 272
Government of Villages. 267
Grammar School. 485

H.

Heralds Colledge. 468
Houſe of Commons 140
Houſe of Lords. 143

I.

Innes of Court. 411
Innes of Chancery. 411

Inner Barristers. 420
Judges. 436

L.

Lancaster Dutchy. 225
Laws of Rhodes. 312
London Bridge. 394
London burnt. 341
London Character. 359
London City. 325
London Colledges. 410
London Government. 360
London rebuilt. 349
London Tower. 376
London Tythes. 362
Lord Mayor. 366

M.

Master of the Ordnance. 378
Merchants. 358
Military Government. 272
Militia maritime. 287
Militia standing. 279

Mint. 38
Mooting. 42

N.

Navy Charges. 32
Navy office. 31

O.

Officers of Common Pleas. 19
Officers of Exchequer. 20
Officers of Kings Bench. 18
Ordination of Deacons. 6
Ordination of Priests. 6

P.

Parlement. 9
Parlement men. 14
St. *Pauls, London.* 33
Paper Office.
Patrons of Churches.
Peculiar Court.
Penance. 9

Post Office.	399
Prebendary.	55
Prerogative Court.	78,452
Privy Council.	2
Privy Council Clerks.	21
Privy Counsellors.	10
Privy Seal Clerks.	25
Physitians Colledge.	456
Physitians, a List.	460

R.

Reader at the Innes of Court.	421
Records in the Tower.	382
Rectors Office.	58
New River.	356
Rool d' Oleron.	314
Royal Soveraign.	295

S.

Secretaries of State.	15
Signet Clerks.	23
Sexton or Clerke	62

Sheriffs of Counties. 25
Ships a Liſt. 29
Sergeants at Law. 43
Sergeants Inne. 43
Sergeants making. 43
Southwark. 49

T.

Thames. 35
Trade of London. 35
Tower Lieftenant. 39

V.

Vice Admiral. 3[illegible]
Vicar general: 45
Vniverſities. 49
Vtter Barriſters. 419

W.

Wardrobe Office. 406
Weſtminſter. 487

Errata.

P.35.l.9. dele *in.* p.40.l.15. r. *Cathe-*
ral. p. 55. l.12.for *et* r.*in.* l.13.for *herba*
herbis. p. 89. l. 5. for *Major Excom.* r.
Anathematiſmus. p.95.l.15.for *delivered*
to him, &c. r. *to whom he is then delive-*
red to be puniſhed,&c. p.107. l.21. r. *all*
the Barons in order. p.120.l.3. r.*reply.*
p.140.l.14. for 26. r.24. p. 234.l.15. for
willing, r.*likely.* p.329. l. 13. after *Sea*,
add *Near about.* By overſight, and de-
fay of the Preſs ſome things are twice
mentioned, as in the Account of the
Chancery, *&c.* The litteral miſtakes
the Reader will eaſily correct.

Angliæ Notitia, OR THE PRESENT STATE OF ENGLAND:

The Second Part.

Of the Government of England *in particular; and first of the Kings most honorable Privy Council.*

THE Government of *England*, in Particular is either *Ecclesiastical*, *Civil* or *Military*, wherein the King is supreme Governour over all Causes and over all Persons; from

 him

him is derived all Authority and Jurisdiction. He is *quasi Intellectus Agens*, *Forma formarum*, *vel potiùs Mundi Anglici Deus*, and the *Primum Mobile* thereof, from whence all the Inferiour Orbes derive their motion, is that Noble Honorable and Reverend Assembly called *Concilium secretum*, *Privatum vel Continuum Regis Concilium*, which is a Court of such Antiquity and Honour that it may be said to be higher then the highest Court of *England* (as the Parlement is usually called for our Parlements are not only much yonger, but also may truly be said to be the Productions of the Kings Privy Council as appears by the words of the Writ for summoning of Parlement. This is the highe

wate

watch Tower of the Nation wherein the King with all his good Centinels and Watchmen about him takes a careful ſurvey of all his Dominions, and ſometimes of all the Dominions of the world as any of them have any Relation to his, where he conſults and contrives how to protect his numberleſs Subjects not onely from Injuries amongſt themſelves, but from the wrongs and violences of all other Nations where he doth conſult and watch for the publick good, Honour, Defence, Profit and Peace of all his people.

Before the later end of *Hen.* the *III.* *Quod proviſum fuit per Regem & Concilium ſuum Privatum ſigilloque Regis confirmatum*

proculdubiô legis vigorem habuit, ſaith *Spelman*.

The Primitive and ordinary way of Government in *England*, was by the King and his Privy Council, and all our Kings have acted much by it, determining Controverſies of great importance ſometimes touching Lands and Rights between party and party whereof there are very many Precedents, and the Judges of *England* in ſome difficult caſes were not wont to give Judgment untill they had firſt conſulted the King or his Privy Council. Moreover the Lords and Commmons aſſembled in Parlement have oft-times tranſmitted matters of high moment to the King and his Privy Council as by long experience and wiſdom better able to judge of, and

by

by ſecrecy and expedition better able to tranſact ſome ſtate affairs then all the Lords and Commons together.

At preſent, the King and his Privy Council take Cogniſance of few matters that may well be determined by the known Laws and ordinary Courts of Juſtice, but onely, as aforeſaid, conſult for the Publick Good, Honour, Defence, Safety, and benefit of the Realm, not medling with matters that concern Freeholds but matters of appeal and ſudden Emergencies.

The Lords of the Privy Council are as it were a part of the King incorporate with him and his Cares bearing upon their ſhoulders that great weight that otherwiſe would lye wholly upon his Majeſty, wherefore of

ſuch high value and eſteem they have alwayes been that if a man did but ſtrike in the Houſe of a Privy Counſellor or elſewhere in his preſence, he was grievouſly fined for the ſame, and to conſpire the death of any of them was made Felony in any of the Kings ſervants within the Check Roll, and to kill one of them was high Treaſon.

A Privy Counſellor, though but a Gentleman, ſhall have precedence of all Knights, Baronets and yonger Sons of all Barons and Viſcounts.

The Subſtance of their Oath is, That they ſhall, according to their power and diſcretion truly juſtly and evenly counſel and adviſe the King, in all matters to be treated in his Majeſties

sties Council, that they shall keep secret the Kings Counsel, &c.

By force of this Oath, and the Custome of the Kingdome of *England*, a Privy Counseller is made without any Patent or Grant, and to continue onely during the life of the King that makes him, nor so long unless the King pleaseth.

Heretofore there hath been usually a Lord President of the Kings Privy Council, a Dignity of so high repute that by a Statute of *Hen.* the VIII. he is to take place in publick, next to the Lord high Treasurer of *England*. His Office was to speak first to business, to report to his Majesty the passages and State of businesses transacted at Council Table. The last Lord Presi-

dent was the Earle of *Manchester*, father of the present Lord Chamberlaine.

To his Privy Counsellors and from them the King of *England*, may declare or conceal whatsoever he alone judgeth fit and expedient, *quâ in re* (saith the excellent Sir *Tho. Smith*) *absolutissimum est hoc Regnum Angliæ præ Venetorum Ducatu aut Lacedæmoniorum Principatu.*

The King with the advice of of his Privy Council doth publish Proclamations binding to the Subject, provided that they are not contrary to Statute or Common Law.

In cases where the publick peace honour or profit of the Kingdome may be endangered for want of speedy redress, there the King with his Privy Council

cil usually make use of an absolute power if need be.

The Members of this most Honorable Council are such as his own free will and meer motion shall please to choose, and are commonly men of the highest rank, eminent for Estates wisdome, courage, integrity, &c. And because there are few cases of moment so temporal but that they may some way relate to spiritual affairs, therefore according to the general rules of Polity and Government which God himself ordained amongst his chosen people the *Jews*, the Privy Council (as well as the great Council of Parlament) is composed of spiritual as well as temporal persons, some of the principal Bishops of *England* have in all

times been chosen by his Majesty to be of his Privy Council;

The Lords of His Majesties *Privy Council, are at present these that follow:*

His Royal Highness the Duke of *York.*

His Highness Prince *Rupert.*

Gilbert Ld Arch-bishop of *Canterbury.*

Sir *Orlando Bridgman*, Ld Keeper of the Great Seal.

John Ld *Roberts* Lord Privy Seal.

George Duke of *Buckingham*

ingham, Mr. of the Horſe to his Majeſty.

James Duke of *Monmouth.*

James Duke of *Ormond* L. Great Steward of His Majeſties Houſhold.

Henry Marquis of *Dorcheſter.*

Henry Earl of *Ogle.*

Thomas Earl of *Oſſory.*

Robert Earl of *Lindſey*, L^d. Great Chamberlain of *England.*

Edward Earl of *Mancheſter*, L. Chamberlain of His Majeſties Houſhold.

Awbrey Earl of *Oxford.*

John

John Earl of *Bridgwater*.
Robert Earl of *Leicester*,
Henry Earl of *S. Albans*.
Edw. Earl of *Sandwich*.
Arthur Earl of *Anglesey*.
John Earl of *Bath*, Groom of the Stole to His Majesty.
Charles Earl of *Carlisle*.
William Earl of *Craven*.
John Earl of *Rothes* His Majesties Commissioner in *Scotland*.
John Earl of *Lotherdale*, Secretary of State in *Scotland*.
John Earl of *Tweedale*.
John Earl of *Middleton*.

Ri-

Richard Earl of *Carbury*, L. Preſident of *Wales*.

Roger Earl of *Orrery*.

Humphry L. Biſhop of *London*.

Henry L. *Arlington*, one of His Majeſties Principal Secretaries of State.

Francis Lord *Newport*, Comptroller of His Majeſties Houſhold.

John Lord *Berkley* Lieftenant of *Ireland*.

Denſel Lord *Holles*.

Anthony Lord *Aſhley*, Chancellor of the Exchequer.

Sir *Thomas Clifford*, Kt. Trea-

Treasurer of His Majesties Houshold.

Sir *George Carteret* Kt. Vice-chamberlain to his Majesty.

Sir *John Trevor* Kt. one of his Majesties Principal Secretaries of State.

Sir *Thomas Ingram* Kt. Chancellor of the Dutchy.

Sir *William Morice* Kt.

Sir *John Duncom* Kt.

Sir *Thomas Chichely* Kt. Master of the Ordnance.

These all are to wait on his Majesty, and at Council Board sit in their Order, bare-headed when his Majesty presides.

At all Debates the loweſt delivers his opinion firſt, that ſo he may be the more free, and the King laſt of all declares his judgment, and thereby determines the matter in Debate.

The time and Place of holding this Council is wholly at the Kings pleaſure, but it is moſt commonly held in the morning on *Wedneſday* and *Fryday* out of Parlement time and Term time, and in the Afternoon, in time of Parlement and Term.

A Council is ſeldome or never held without the Preſence of one of the Secretaries of State of whoſe Office and Dignity much more conſiderable in *England* than in other Nations, take here this brief Account.

The Kings of *England* had antiently but one Secretary of State,

State, until about the end of *Henry* VIII. his Reign, it was thought fit, that weighty and important Office should be discharged by two Persons, both of equal authority, and both styled *Principal Secretaries of State*. In those dayes, and some while after, they sate not at the Council Board, but having prepared their business in a room adjoyning to the Council-Chamber, they came in, and stood on either hand of the King; and nothing was debated at the Table until the Secretaries had gone through with their Proposals. But Queen *Elizabeth* seldom coming to Council, that method was altered, and the two Secretaries took their places as Privy Counsellors; which Dignity they have retained and enjoyed

joyed ever ſince: And a Council is ſeldom or never held without the preſence of one of them at the leaſt.

Their employment being of extraordinary truſt and multiplicity, renders them moſt conſiderable both in the eyes of the King, upon whom they attend every day as occaſion requires; and of the Subjects alſo, whoſe requeſts and deſires are for the moſt part lodged in their hands to be preſented to the King, and alwayes to make diſpatches hereupon, according to His Majeſties Anſwers and Directions.

As for Forraign Affairs, the Secretaries divide all the Kingdoms and Nations, which have intercourſe of buſineſs with the King of *England*, into two grand Pro-

Provinces, whereof each Secretary taketh one to himself, receiving all Letters and Addresses from, and making all dispatches to, the several Princes and States comprehended within his own Province.

But in all matters of home concern, whether they relate to the publick, or to particular persons, both the Secretaries do equally and indistinctly receive and dispatch whatsoever is brought to them, be it for the Church, the Militia, or private Grants, Pardons, Dispensations &c.

They have this special Honour, that of whatsoever degree either of them is, he taketh place, and hath the precedence of all other persons of the same degree: as, the Secretary of

Sta

State being a Baron, precedes all other Barons, though otherwise by their Creation some of them might have right to precede him; and a Knight in like manner.

They have their several Lodgings appointed them in all the Kings Houses, as well for their own Accommodation, as for their Office, and those that attend upon it. They have also a very liberal Diet at the Kings charge, or Board-wages in lieu of it.

To shew how considerable their place is, their settled allowance from the King in Salary and Pension is little less than Two thousand Pounds *Sterling per annum*, to each of them.

The

The Secretaries and Clerk
whom they employ under them
are wholly at their own choice
and have no dependance upo
any other power or person be
sides themselves.

They have the Custody o
that Seal of the King which
properly called the *Signet*; th
use and application where
gives denomination to an Offic
constantly attending the Cour
called the *Signet Office*, where
there are four Clerks, who wa
alternately by Months, and pr
pare such things as are to pa
the Signet in order to the Pri
Seal or Great Seal.

The present Secretaries
State are,

Henry Lord *Arlington*, who
for his eminent services at hom
and abroad, both in War a
Pea

Peace, His Majesty was pleased to advance into the place of Sir *Edward Nicholas*.

And Sir *John Trevor*, who for his great abilities and successful Negoitations had that honour and trust conferred upon him, when *Sir William Morice*, late Secretary of State, was by His Majesties gracious consent permitted to retire from business.

Waiting on the Privy Council there are 4 Clarks in Ordinary, who waite by months each one, he that comes in, is alwayes a week before and a week after his month to assist there.

Their office is to read what is brought before the Council and draw up all such Orders as the King and Lords shall direct, and cause them to be registred.

They

They are these that follow.

Sir *Richard Brown*, Sir *Edward Walker*, Sr *John Nicolas*, Sr *Robert Southwell*; Salaries to each 250 l. besides Fees for Orders and Letters, *&c.*

Beside the forenamed Officers there is a Keeper of the Records, *John Woolly* Esquire, no Fee.

Two Keepers of the Council Chamber, fee to each 45 l.

Thirty Messengers, whereof ten at a time by turns waite every month, Fee to each 45 *l.*

These upon Occasion are sent by Warrant of the Lords of the Privy Council to fetch any Person, under the Degree of a Baron, and to keep him Prisoner in his House till farther order. Attend-

Attending on the Secretaries are the Clerks of the Signet, or little Seal, which is alwaies in the Custody of the Secretaries for sealing the Kings Private letters and for all such Grants as pass His Majesties hands by Bill assigned.

Of these Clerks there are four, Sir *Iohn Nicholas* Knight of the *Bath*, Sir *Philip Warwick*, *Trumbal* Esquire, and *Sidny Bear* Esquire. These have no Fee from the King, but onely Dyet, which at Pension is 200 *l.* yearly. Their Office is in *Whitehall*, They waite by month, each of them three months in a year. One of them alwayes attends the Court wheresoever it removes, and by Warrant from the King, or Secretaries of State, or Lords of the

the Council, prepare such Bills or Letters for the King to sign, as not being matters of Law are by any Warrants directed to them to prepare. In their Office, all Grants either prepared by the Kings learned Council in the Law, or by themselves for the Kings hand, when signed are returned and there transcribed again, and that transcription is carried to one of the Principal Secretaries of State, and sealed, and then it is called a signet, which is directed to the Lord Privy Seal, and is his Warrant for issuing out a Privy Seal upon it, which is prepared by the Clerks of that Seal, is sufficient for the payment of any moneyes out of the Exchequer and for several other uses: but when the nature of

the

the Grant requires the passing the Great Seal, then the Privy Seal is an Authority to the Lord Keeper to pass the Great Seal, as the signet was to the Lord Privy Seal to affix that Seal to the Grant, but in all three Offices, *viz.* Signet, Privy Seal and Great-Seal, the Grant is transcribed. So all which passes from the King hath these several ways of being confide ed before perfected.

There are also four Clarks of the Privy Seal, *viz.* the Lord *Sandwich*, whose Interest for his life is in one Mr *Watkins*; Mr *Baron*, Master *Bickerstaff*, and Mr. ——

More of their Office is to be seen in *Stat.* 27. of *H.* 8. worthy to be noted.

To this Office (in time when

the Court of *Requeſt* is in being) belongs the Sealing of all Commiſſions, and other proceſs out of that Court.

Moreover depending on the Secretaries of State, is an antient Office called the Paper-Office, the Keeper whereof hath in his Charge, all the publick Papers, Writings, Matters of State, and Counſel, all Letters, Intelligences, Negotiations of the Kings Publick Miniſters abroad, and generally all the Papers and Diſpatches that paſs through the offices of the two principal Secretaries of State which are from time to time tranſmitted into this office, and here remain, diſpoſed by way of a Library within His Majeſties Palace of *White-hall*. This conſiderable officer hath a Fee of 160 l. *per annum* payable

able out of the Exchequer, and is at preſent that very worthy Perſon *Joſeph Williamſon*, Dr. of Laws.

After the Kings moſt Honorable Privy Council that *Primum mobile*, or rather that Reſſort or Spring, may be conſidered the Great wheeles firſt moved by that Spring which are the Convocation for the Eccleſiaſtical Government, and the Parlement for the Civil.

But for the better underſtanding of the Eccleſiaſtical Government, it will be expedient to premiſe ſomewhat of the Eccleſ. perſons in *England*.

In the Goverment of the Church of *England*, among the Eccleſiaſtical perſons governing in the *Engliſh* Church, is, Firſt the King of *Eng-*

land, who is as the Lawyers say, *Persona sacra & mixta cum sacerdote*. The King is the supreme Bishop of *England*: and at his *Coronation*, by a solemn Consecration, and Unction he becomes a Spiritual Person, sacred and Ecclesiastical, for, as he hath put upon him *Corona Regni*, as an Embleme of his King-ship and power in Temporals so hath he *Stola Sacerdotis*, commonly called *Vestis Dalmatica*, as a *Levitical Ephod*, to signify his Priesthood and power in Spirituals. He is Supreme Governour in all Causes *Ecclesiastical*, as well as civil, is Patron Paramount of all *Ecclesiastical* Benefices in *England*, to whom the last Appeal in *Ecclesiastical* Affaires are made, who alone hath power to nomi-

nominate persons for all Bishopricks and chief Dignities, as Deaneries, and some Prebends in the Church, *&c.* as more at large may be seen in the first part of the *Present State of England*.

Next to the King in the Church-Government are the Bishops, whereof two are called *Primats*, *Metropolitans* or Archbishops, that is chief Bishops the one of *Canterbury*, the other of *York*, each of which have besides their Peculiar Dioceses a Province consisting of several Dioceses, and therein by Common Law, a Prerogative of proving Wills and granting Administrations where the person dying had *bona notabilia*, that is above 5 *l.* in Divers *Dioceses* or *Jurisdictions*. Also by Grants

of several Kings, they have each one certain Priviledges, Liberties and immunities in their own Estates.

Under these two Archbishops are 26 Bishopricks, whereof 22 are reckoned in the Province of *Canterbury*, and four in the Province of *York*. So that there are besides the two Archbishops twenty four Bishops, all which have the Title of Lords by reason of their *Baronies* annext to their Bish pricks, and have Precedence of all other *Barons* both in Parlament, and other Assemblies: amongst these precedes alwayes the Bishop of *London*, who by antient right is accounted *Dean* of the *Episcopal Colledg* of that Province, and by virtue thereof is to signify the Pleasure of his Metropolitan to all

all the Bishops of the Province, to execute his *Mandates*, to dispersе his *Missives* on all emergency of affaires to preside in Convocations or Provincial *Synods* during the necessary absence of the *Metroplitan*. Next to *London*, in Parlement, precedes *Durham*, and then *Winchester*: all the rest of the Bishops take place according to the Seniority of their Consecrations.

The Function of an *English Bishop* consists in what he may act, either by his *Episcopal Order*, or by his *Episcopal Iurisdiction*.

By his *Episcopal Order* he may ordain *Deacons* and *Priests*, he may Dedicate Churches and burying places, may administer the Rite and Ceremony of Con-

firmation, without whom none of these things may be done.

The *Iurisdiction* of a Bishop is either *Ordinary*, or *Delegated*; the *Ordinary*, is what by the Law of the Land belongs to each Bishop, in his own Dioceſs; the *Delegated*, is what the King is pleaſed to confer upon him, not as a Bishop, but as he is a Subject, and a conſiderable Member of the Kingdom: For all Clergymen are in *England* (as antiently among Gods own People the *Iews*, and amongſt the *Primitive* Christians, ſo ſoon as they were under Christian Emperours) judged fit to enjoy divers temporal honours and employments: as,

Firſt, to be in the Commiſſion of the Peace, for who ſo proper to make and keep Peace as

as they whose constant duty it is to preach Peace: who so fit as they, whose main business and study it is to reconcile those that are at variance; and therefore since His Majesties happy Restauration, as well as before, divers grave discreet Divines have been made Justices of Peace, and thereby not onely the poor Clergy-men have been protected from the oppression of their causeless enemeis, but many differences have been composed without any Law sute, in a more Christian, and less expensive way.

Secondly, to be of His Majesties Privy Council, where frequently Cases of Conscience may arise, relating to State matters that will admit neither of delay nor publication, and there-

fore after the patern of that excellent Christian Emperour *Constantine* the Great, our good Kings both before and since the Reformation have alwayes admitted some spiritual persons to their Council Tables and Closet-debates.

Thirdly, To be employed in publick Treaties and Negotiations of Peace, and this both the Ancient and Modern practise will justify, that none hath been more frequently and successfully used in such Messages, then the Embassadors of Christ.

Fourthly, to enjoy some of the great Offices of the Crown, as to be *Lord Chancellor*, *Lord Treasurer*, &c. And it hath been observed that in the late Kings raign, when the Bishop of *London* was *Lord Treasurer*, that Of-

Office was executed with as much diligence, faithfulneſs, dexterity, and content to the Subject, as well as to the King, as ever it had been by any of his late lay-Predeceſſors.

In the Ordinary Juriſdiction of a Biſhop, as a Biſhop may be conſidered either in the *Juriſdiction* it ſelf or what is inſtated in him by the Law of the Land, for the better execution of that *Juriſdiction*.

The *Juriſdiction* it ſelf is eſtabliſhed partly by Statute Law, as to licence Phyſitians, Surgeons and School-maſters to unite and conſolidate ſmall Pariſhes, to aſſiſt the civil Magiſtrates in the execution of ſome Statutes concerning Eccleſiaſtical affairs, to compel the payment of Tenths and Subſidies due from the

the Clergy to the King.

Partly, by Common Law, as upon the Kings Writ, to certify the Judges touching legitimate and illegitimate Births and Marriages, to require upon the Kings Writ, the burning of an obstinate Heretick, also to require the Kings Writ for imprisoning the body of one that obstinatly stands excommunicate 40 dayes.

And partly by Common and Ecclesiastical Law together, as to cause Wills of the Deceased to be proved, to grant Administration of Goods of such as dye intestate, to give order for the gathering and preserving of perishable Goods, where none is willing to administrate, to cause Account to be given of Administrations, to collate Benefices,

to

to grant Inſtitutions to Benefices upon the Preſentations of other Patrons, to command Induction to be given to order the collecting and preſerving of the Profits of Vacant Benefices for the uſe of the Succeſſors, to defend the Franchiſes and Liberties of the Church, to viſit their particular Dioceſſes once in three years, and therein to inquire of the Manners, Carriages, delinquences, *&c.* of Miniſters, of the Church-wardens, of the reſt of the Pariſhioners, and amongſt them, eſpecially of thoſe that profeſs themſelves Phyſitians, Surgeons, School-maſters, Midwives,; Of Wardens of Hoſpitals, how they perform their ſeveral Duties and truſts; alſo of all others profeſſing Chriſtianity, and offending either againſt Piety

ty, as by Blasphemy, Idolatry, Superstition, perjury, Heresy, Errors, against the 39 Articles, Schism, Conventicles, Absence from Divine Service, unlawful abstinence from the Sacraments; or else offending against Justice as the delaying of Legacies given to the Poor or pious Uses, Dilapidations of Buildings or Goods belonging to the Church; taking of Usury beyond the rate allowed, by Statute, Symony, Perjury, &c. or, by offending against Sobriety, as, Drunkenness, Incest, Adultery, Fornication, filthy Speech, tempting of any ones Chastity, Clandestine Marriages, as for want of thrice publishing the Banes, the want of Parents consent, the want of witnesses, which must be above two,

two, or marrying in a private place, in an undue time, before 8. in the morning, and after 12. of the clock in the day, *&c.*

Now, for the better executing of this *Jurisdiction*, the Law of *England* hath furnish'd the Bishops with a Power of *Ecclesiastical Censures*, whereof some may be inflicted both upon Lay-men and Church-men, as, Suspension from entring into the Church, or else from receiving the Sacrament, or greater Excommunications, &c. Others may be inflicted only upon *Ecclesiastical* Persons, as, Sequestration of their Ecclesiastical Profits, Suspension, sometimes *ab Officio*, sometimes *à Beneficio*, *Deprivation* and *Deposition*, which is sometimes verbal, by sentence pronounced against

against them; and sometimes real by Degradation. Here note that of all these Censures, Excommunication is never inflicted but only for Contumacy, as, when a person being duly summoned will not appear, or appearing, will not obey the Orders of the Bishop.

The solemn manner of making a Bishop in *England*, is as followeth,

When any Bishops Sea becomes vacant, the *Dean* and *Chapter* of that *Cathedral* giving notice thereof to the King, who is Patron of all the Bishopricks in *England*; and humbly request that his Majesty will give leave for them to chose another; the King hereupon grants to the *Dean*, his *Congè d' eslire*, which in French (wherein it was anti-

ently

ently penned) signifies leave to elect, then the Dean summons a Chapter or assembly of the Prebendaries, who either elect, the person recommended by his Majesties letters or shew cause to the contrary. Next the Election is certifyed to the party elected, who doth modestly refuse it the first and second time and if he refuse it, a third time: then that being certified to His Majesty another is recommended: when the Election is accepted by the party, it is certifyed to the King and the Archbishop of that Province: whereupon the King gives his Royal Assent under the great Seal of *England*; which is exhibited to the Archbishop of the Province, with command to confirm and consecrate him, hereto

hereto the Archbishop sub-
scribes *Fiat Confirmatio*, & gives
Commission under his Archi-
piscopal Seal to his Vicar Gener
to perform all the Acts require
for perfecting his Confirmation

The Vicar general then in th
name of the Archbishop send
forth a Citation, summoning a
Opposers of the said Electio
or Person elected to appear at
certain time and place especiall
assigned to make their object
ons. This is done by an Offic
of the Arches usually at *B*
Church in *Cheapside London* b
Proclamation three times, an
then affix ng the said Citation o
the Church door for all peop
to read, the said Officer retur
an Authentick Certificate there
of to the Archbishop and Vica
General. At the day and plac
assigne

assigned for the appearance of the Opposers the Vicar-General sits, then the Proctor for the said Dean and Chapter exhibits the Royal assent and the Commission of the Archbishop: which read and accepted by the Vicar-General, the Proctor exhibits the Proxy from the Dean and Chapter, and then presents the Elected Bishop, and returns the Citation, and desires the Opposers to be publickly called three times, which being done accordingly, he accuseth their contumacy, and for penalty thereof desires that the business may proceed, which the Vicar-General in a Schedule by him read and subscribed doth order. Next the Proctor giving a summary Petition, wherein is deduced

duced the whole Process of Election and Consent, desires a time to be assigned to prove it, which the Vicar-General admits and decrees: After which the Proctor exhibits the Royal Assent, with the elected Bishop's Assent, and the Certificate to the Archbishop, and desires a term presently to be assigned to hear final sentence, which the Vicar-General decrees. Then the Proctor desires that all Opposers should be again called which being thrice publickly done, and none appearing, no opposing, they are pronounced contumacious, and a Decree made to proceed to sentence by a Schedule read and subscribed by the said Vicar-General. Then the Elect person takes the Oath of Supremacy, Simony, and

Cano

Canonical Obedience.

Next the Judge of the Arches reads and ſubſcribes the Sentence after which uſually there is an Entertainment made for the Officers and others there preſent, which being once done at the Sign of the Nags Head in *Cheapſide* near the ſaid *Bow Church*, gave occaſion to our Adverſaries of the Romiſh Church, to affirm that Fable, that there our firſt Biſhops after the Reformation were conſecrated.

When a Biſhop is elected, and the Election confirmed, he may give Inſtitution, and do his ordinary Jurisdiction, and may ſit in Parliament as a Lord thereof, according to *Sir Ed. Coke* 4. *Inſtitut. p.* 47.

After the Confirmation the Biſhop

Bishop may institute, or do his ordinary Jurisdiction; then according to the Kings Mandate is the solemn Consecration of the elected Bishop, which is done by the Archbishop with the Assistance of two other Bishops in manner following.

Upon some Sunday or Holy-day after Morning Service, the Archbishop beginneth the Commmunion Service, after a certain Prayer appointed for this occasion, one of the Bishops there present readeth the Epistle, 1 *Tim.* 3. another readeth the Gospel, *John* 21. then after the Nicene Creed and some Sermon the elected Bishop vested with his Rochet or Linnen Garment, is by two Bishops presented to the Archbishop, or some other Bishop commissioned by

by him, ſitting in his Chair, who demands the Kings Mandate for the Conſecration, and cauſes it to be read; then the Elect Biſhop takes the Oaths of Supremacy and of Canonical Obedience to the Archbiſhop; and after divers prayers and ſeveral Interrogatories put to the Biſhop, and his Anſwers, the reſt of the Epiſcopal Habit is put upon him, and after more prayers the Elect Biſhop kneeleth down, and the Archbiſhop and Biſhops there preſent lay their hands on his head, and by a certain pious grave form of words they conſecrate him. Afterward the Archbiſhop doth deliver to the Biſhop Elect a Bible with another ſet form of words, and ſo all proceed to the Communion Service, and having received the

the Sacrament, and the Bleſſing, they retire from Church to dinner, which is at the charge of the Biſhop Elect, and is uſually very ſplendid and magnificent, the greateſt of the Nobility, Clergy, Judges, Privy Counſellors, &c. honouring it with their preſence, the expences hereof with Fees of Conſecration commonly amounting to ſix or ſeven hundred pounds.

This form and manner of conſecrating Biſhops is according to the rule laid down in the fourth Council of *Carthage* about the year 470, generally received in all the Provinces of the Weſtern Church.

Note that by our Order of Conſecrating Biſhops, it is evident that Biſhops are lookt upon as a diſtinct Order of themſelves,

ſelves, and not only as a different degree from the reſt of the Presbyters, as ſome would have it.

Next goes forth a Mandate from the Archbiſhop to the Archdeacon of his Province, to inſtal the Biſhop elected, confirmed and conſecrated.

Then the ſaid Biſhop is introduced into the Kings preſence, to do his Homage for his Temporalties or Barony, by kneeling down and putting his hands between the hands of the King ſitting in a Chair of State, and by taking of a ſolemn Oath to be true and faithful to his Majeſty, and that he holds his Temporalties of him.

Laſtly the new Biſhop compounds for the firſt Fruits of his Biſhoprick, that is, agrees for

his first years profits to be paid to the King within two years or more if the King please.

The Translation of a Bishop from one Bishoprick to another differs only in this, from the manner of making a Bishop, that there is no Consecration.

The Translation of a Bishop to be Archbishop differs only in the Commission which is directed by his Majesty to four or more Bishops to confirm him. Note that the difference between an Archbishop and a Bishop, is that the Archbishop with other Bishops doth consecrate a Bishop, as a Bishop with other Priests doth ordain a Priest. The Archbishop visits the whole Province, the Bishop only his Dioceſs; The Archbishop can convocate a Provincial Synod,

the Biſhop only a Dioceſan Synod; The Archbiſhop is Ordinary to, and hath Canonical Authority over all the Biſhops of his Province, as the Biſhop hath over all the Prieſts of his Dioceſs.

Several Biſhops of *England* having Dioceſes of a large extent, it was provided by *St. 26 H. 8.* that they ſhould have a power to nominate ſome to the King to be with his approbation Suffragan or Subſidiary Biſhops, whereof ſee more in the firſt Part of the *Pr. St. of Engl.* Of theſe there are none at preſent in the Church of *England*, but the next to the Biſhops are now the Deans of Cathedral Churches.

Antiently Biſhops did not ordinarily tranſact matters of moment Dean & Chapter.

moment *sine consilio Presbyterorum principalium*, who were then called *Senatores Ecclesiæ*, and Collegues of the Bishops, represented in some sort by our Cathedrals, whereof the Dean and some of the Prebends are upon the Bishops summons to assist him in Ordinations in Deprivations *ab Officio & Beneficio* in condemnation of obstinate Hereticks, in the greater Excommunications, and in such like weighty affairs of the Church. Upon the Kings Writ of *Congé d'eslire* (as afore mentioned) the Dean and Prebendaries are to elect the Bishop of that Dioceſs. Cathedral and Collegiate Churches are as it were Seminaries or Seed plots whereout from time to time may be chosen fit persons to govern th

the Church, for having left the Country, and living here in a ſociety together, they learn experience, they read men, they by little and little put off the familiarity of the inferiour Country Clergy, and thereby render themſelves the more fit to be ſet over them in Government. The Dean and Prebendaries, during their required reſidence in their Cathedral or Collegiat Churches are to keep hoſpitality, upon all Feſtival dayes to read Divinity in their turns, which is now turn'd to Sermons, or ſet ſpeeches in the Pulpit; at due time to adminiſter the Lords Supper; to frequent the publick Divine Service, to inſtruct the Country Clergy, and direct them how and what to preach, whereby they

they may best profit their Auditors: In a word, as they excel others in dignity, and are therefore stiled Prelats, so by their more eminent piety and charity they are to be examples and paterns to the inferiour Clergy.

In every Cathedral or Bishops Sea there is a Dean and divers Prebendaries or Canons, whose number is now uncertain.

Deans of the old Foundations, founded before the suppression of Monasteries, are brought to their Dignities much like Bishops, the King first sending forth his *Congé d'eslire* to the Chapter, they electing, and the King granting his Royal assent; the Bishop confirms him, and gives his Mandate to install him.

Deans of the new Foundations

ons (uppon ſuppreſſion of Abbyes or Priories transformed by *H.* 8. into Dean and Chapter) are by a ſhorter courſe inſtalled by virtue of the Kings Letters Patents, without either Election or Confirmation.

Among the Canons or Prebendaries in the old Foundations, ſome are *Canonici actu*, having *Prebendam, ſedile in Choro & jus ſuffragii & Capitulo*; others are *Canonici in herba* (as they are called) having right to the next Prebend that ſhall become void and having already a Stall in the Quire, but no Vote in the Chapter

A Prebend is properly the Portion which every Prebendary of a Cathedral or Collegiate Church receiveth in the right of his place for his main-

tenance *quasi pars vel portio prebenda.*

Next in the Government of the Englisſh Church may be reckoned Archdeacons, whereof there are 60 in all *England*; Their Office is to viſit two years in three, and to enquire of Reparations and Moveables belonging to Churches, to reform abuſes in Eccleſiaſtical matters, and to bring the more weighty affairs before the Biſhop ot the Dioceſs; and therefore he is called *Alter Epiſcopi Oculus* (the other being the Dean, as is mentioned in the firſt Part of the *Pr. St.*) Moreover the Office of an Archdeacon is upon the Biſhops Mandate to induct Clerks into their Benefices, and thereby to give them poſſeſſion of all the Profits belonging thereto. Many

Many Archdeacons have by Preſcription their Courts and Officials as Biſhops have, whereof more hereafter.

After Archdeacons are the *Archipresbyteri* or Rural Deans, ſo called perhaps at firſt for his overſight of ſome Ten Pariſh Prieſts; their Office is now upon orders to convocate the Clergy, to ſignifie to them ſometimes by letters the Biſhops pleaſure, and to give Induction for the Archdeacon living afar off.

Next are to be conſidered the Prieſts of every particular Pariſh, who are commonly called the Rectors, unleſs the predial Tythes are impropriated, and then they are ſtiled Vicars, *quaſi vice fungentes Rectorum*. Their Office is to take care of all their

Parishioners Souls, and like good Shepherds, to handle every particular Sheep apart, to catechise the ignorant, reduce the straying, confirm the wavering, convince the obstinate, reprehend the wicked, confute Schismaticks, reconcile differences amongst Neighbours, to exercise the power of binding and loosing of souls as occasion shall offer, to read duly Divine Service, to administer the holy Sacraments, to visit the Sick, to Marry, to Bury, to render publick thanks after Child-bearing, to keep a Register of all Marriages, Christnings and Burials that shall happen within the Parish, to read the Divine Sermons or Homilies appointed by Authority (and if the Bishop think fit) to read or speak by heart their own concep-

conceptions in the Pulpit.

Lastly Deacons, whose Office is to take care of the Poor, Baptise, Read in the Church, assist the Priest at the Lords Supper by giving the Cup only.

After this brief account of Ecclesiastical persons, somewhat may here not unfitly be added touching those Persons who though not in holy Orders, yet have a peculiar Relation to the Church, and are *quasi semi Ecclesiastici*, as first Patrons of Churches, who by first building of Churches, or first endowing them with Lands, have obtained for them and their Herrs a right of Advowson or Patronage, whose office and duty is to present a fit Clerk (when the Church is void) to the

the Bishop to be by him Canonically instituted, & to protect the said Church as far as he can from all wrong, and in case his Clerk prove unfit for the place to give notice thereof to the Bishop.

Next are the *Oeconomi vel Ecclesiæ Guardiani*, the Churchwardens, whose office is to see that the Church be in good Repair, fitly adorned, and nothing wanting for Divine Service, Sacrament, and Sermons; that the Church-yard be sufficiently mounded or enclosed, that there be an exact Terrier of the Glebe Lands, and if any thing belonging to the Church be detained, to sue for the same; to observe that all the Parishioners come duly to Divine Service, to require the penalty for absence, to enquire after, to admonish and

to

to present to the Bishop scandalous livers, to collect the charity of the Parishioners for poor Strangers, to declare and to execute the orders of the Bishop, to see that none presume to vent his own conceptions in the Pulpit, unless he hath a special licence so to do. The Churchwardens are elected every Easter Week by the Parson and Parishioners, if they so agree; if not, then one by the Parson, and the other by the Parishioners.

There are also in greater Parishes joyned with the Churchwardens *Testes Synodales*, anciently called Synods-men, now corruptly called Sidesmen, who are to assist the Church-wardens in enquiries into the lives of inordinate

ordinate livers, and in presenting men at Visitations.

Lastly the Sacristan, corruptly the Sexton or Clark, who is to be chosen by the Parson only: He ought to be twenty years old or above, of good life, that can read, write, and sing: his office is to serve at Church the Priest and Churchwardens.

In the Church of *England* there are, as in the ancient primitive times, three Orders, Bishops, Priests and Deacons. None may be admitted Deacon before the age of 23 years, unless he hath a Dispensation to be admitted younger: None may be made a Priest till he be completely 24 years old: None may be admitted Bishop till full 30 years old.

The

The Ordination of Prieſts is four times the year, upon four ſeveral Sundayes in the Ember or Faſting Weeks, that ſo all the Nation may at once in their joynt prayers to God recommend them that are to receive Ordination, which is performed by a Biſhop in a ſolemn grave devout manner thus. After Morning Prayer there is a Sermon, declaring the duty and office of Deacons and Prieſts; then they being decently habited, are preſented to the Biſhop by the Archdeacon or his Deputy, whom the Biſhop askes if he hath made due enquiry of them, and then askes the people if they know any notable impediment or crime in any one of them; after follow certain godly prayers, then a Collect,

Epiſtle

Epistle and Gospel : but before the Gospel the Oath of Supremacy is administred to every one of them, and the Bishop putteth divers godly questions to them, which being answered they all kneel, and he laying his hands upon them severally doth ordain them Deacons; then delivers to every one of them the New Testament, and gives them authority to read the same in the Church : then one of them appointed by the Bishop reads the Gospel, and then all with the Bishop proceed to the Communion, and so are dismissed with the Blessing pronounced by the Bishop.

The Ordination of Priests is partly in the same manner, only the Epistle and Gospel are different; and after the questions and answers

anſwers made, the Biſhop puts up a particular prayer for them, and that ended, he deſires the Congregation to recommend them to God ſecretly in their prayers, for doing of which there is a competent time of general ſilence; then follows *Veni Creator Spiritus* in Meter to be ſung, then after another prayer, they all kneeling, the Biſhop, with the Prieſts preſent; layeth his hands upon the head of every one ſeverally, and gives them Ordination in a grave ſet form of words, different both from that of Biſhops and that of Deacons, the reſt as in the ordaining of Deacons.

Of the Ecclesiastical Government of England, *and first of the Convocation.*

FOr the Church legislative power, or the making of Ecclesiastical Laws, and consulting of the more weighty affairs of the Church, the King by the advice of his Privy Council usually convokes a National Synod commonly called the Convocation, which is summoned in manner following.

The King directeth his Writ to the Archbishops of each Province, for summoning all Bishops, Deans, Arch-deacons, Cathedrals, and Collegiate Churches, according to their best

beſt diſcretion and judgement, aſſigning them the time and place in the ſaid Writ; whereupon the Archbiſhop of *Canterbury* directs his Letters to the Biſhop of *London*, as his Dean Provincial, firſt citing himſelf peremptorily, and then willing him to cite in like manner all the Biſhops, Deans, Archdeacons, Cathedral and Collegiat Churches, and all the Clergy of his Province to the place, and at the day prefixt in the Writ; but directeth withal that one Proctor ſent for each Cathedral and Collegiat Church, and two for the body of the inferiour Clergy of each Dioceſs may ſuffice. The Biſhop of *London* accordingly directs his letters to the Biſhops of every Dioceſs of the Province, citing them in like manner

manner to appear, and to admoniſh the Deans and Archdeacons to appear perſonally, and the Cathedrals, Collegiat Churches and inferiour Clergy of the Dioceſs, to ſend their Proctors to the place, and at the day appointed; alſo to certifie to the Archbiſhop the names of all ſo ſummoned by them.

The place where the Convocation of Clergy in the Province of *Canterbury* hath uſually been held, was St. *Pauls* Church in *London*, but of later times at St. *Peters* in *Weſtminſter* in the Chappel of *Henry* the Seventh, where there is (as in Parlement) a Higher and a Lower Houſe, or a Houſe of Lords ſpiritual, and a Houſe of Commons ſpiritual.

The Higher Houſe of Convocation in the Province of *Canter-*

Canterbury consists of 22 Bishops, whereof the Archbishop is President, sitting in a Chair at the upper end of a great Table, and the Bishops on each side of the same Table all in their Scarlet Robes.

The Lower House consists of all the Deans, Archdeacons, one Proctor for every Chapter, and two Proctors for all the Clergy of each Dioceſs, in all 166 persons, *viz.* 22 Deans, 24 Prebendaries, 54 Archdeacons, and 44 Clerks representing the Diocesan Clergy.

The first day both Houses being assembled, the Higher chooſe a Bishop for their Prolocutor, and the Lower being required by the Higher House chooſe them a Prolocutor or Speaker; which done they present

ſent him to the Upper Houſe by two of their Members, whereof one makes a Speech in Latin; and then the Elect perſon makes another Speech in Latin. Laſtly the Archbiſhop anſwers in Latin, and in the name of all the Lords approves of the perſon.

Both Houſes debate and tranſact only ſuch matters as His Majeſty by Commiſſion expreſly alloweth.

In the Upper Houſe things are firſt propoſed, and then communicated to the Lower Houſe.

The major vote in each Houſe prevailes.

Out of Parlement time they uſually aſſemble every day about nine of the clock, and firſt the junior Biſhop ſayes prayers in Latin, beginning with the Letany, and then for the King, &c.

&c. And in the Lower House the Prolocutor says prayers.

In Convocation are debated only matters concerning Religion and the Church, and sometime of giving His Majesty assistance in money: For as the Laity cannot be taxed without their own consent, signified by their Representative in Parliament, so the Clergy cannot be taxed without their consent signified by their Representative in Convocation.

The Clergy in Convocation might antiently without asking the Royal Assent, and now may with the Royal Assent make Canons touching matters of Religion, to bind not only themselves, but all the Laity, without consent or ratification of the Lords and Commons in Parlement.

Till

Till the late Rebellion the Parlement did not at all meddle in the making Canons, or in matters Doctrinal, or in Translation of Scriptures, only by their civil Sanctions (when they were thereto required) did confirm the Results and consultations of the Clergy, that so the people might be the more easily induced to obey the Ordinances of their Spiritual Governors.

The Clergy of *England* had antiently their Representives in the Lower House of Parlement, as appears by that antient Record so highly prized by the late Lord *Coke*; and as the Upper House had and still hath Lords Spiritual as well as Temporal; so in the Lower House there were alwayes Commons Spiritual as well as Temporal; for that

that Record saith expresly, that the Commons in Parlement consist of three degrees or kinds; first *ex Procuratoribus Cleri*; Secondly, *ex Militibus Comitatuum*; Thirdly, *ex Burgensibus*: and the words of the Writ directed now to the *Procuratores Cleri*, seem to give them the very same right to sit in that House, as the words of the Writ to the Knights, Citizens, and Burgesses do give to them.

All the Members of both Houses of Convocation have the same Priviledges for themselves and menial Servants, as the Members of Parlement have, and that by Statute.

The Archbishop of *York* at at the same time holds at *York* a Convocation of all his Province in like manner, and by

constant correspondence doth debate and conclude of the same matters as are debated and concluded by the Provincial Synod of *Canterbury*.

Now for the Executive Power in Church matters throughout the Kingdom of *England*, there have been provided divers excellent Courts, whereof the highest for Criminal Causes was the High Commission Court, for the Jurisdiction whereof it was enacted *primo Elizabethæ*, that her Majesty and Successors should have power by Letters Patents under the Great Seal to nominate Commissioners to exercise jurisdiction throughout the whole Realm, to visit, reform, and correct all Errors, Heresies, Schisms, Abuses, and Delinquencies, that may by any Eccle-

ſiaſtical power be corrected or reformed.

This Court conſiſted of the higheſt Perſons of *England* in the Church and State, and was the principal Bulwark and Preſervative of the Church of *England* againſt the practices and aſſaults of all her Adverſaries, whether Popiſh or Puritan; yet for ſome pretended abuſes the uſe thereof was taken away in the late ſeditious long Parlement; whereupon followed a Deluge of Errors in Religion, Apoſtacy, Atheiſm, Blaſphemy, Sacrilege, Inceſt, Adultery, impious Libels, Schiſmes, Conventicles, &c. all which have ſo overwhelmed the Manners of Engliſh-men, that untill the reeſtabliſhment of this or the like

Court there cannot a Reformation be hoped for.

For civil affairs that concern the Church, the higheſt Court is the Court of Delegates for the Juriſdiction whereof it was provided 25 *H.* 8 that it ſhall be lawful for any ſubject of *England*, in caſe of defect of Juſtice in the Courts of the Archbiſhop of *Canterbury*, to appeal to the Kings Majeſty in his Court of Chancery, and that upon ſuch appeal a Commiſſion under the Great Seal ſhall be directed to certain perſons particularly deſigned for that buſineſs; ſo that from the higheſt Court of the Archbiſhop of *Canterbury* there lies an Appeal to this Court of Delegates, and beyond this to none other.

Next to the Court of Delegates are the Courts of the Archbiſhop of *Canterbury*, where any Eccleſiaſtical Sutes between any perſons may (waving all inferiour Courts), be decided; amongſt them the higheſt Court is the Court of Arches, ſo called from the arched Church and Tower of St. *Maries* in *Cheapſide London*, where this Court is wont to be held, the Judge whereof is called Dean of the Arches, having juriſdiction over a Deanery conſiſting of 13 Pariſhes within *London* exempt from the juriſdiction of the Biſhop of *London*. Hither are directed all Appeals in Eccleſiaſtical matters within the Province of *Canterbury*. To this Court belong 16 Advocates, all Doctors of the Civil Law, two

Registers, and ten Proctors: The Dean at present is Dr. *Sweat*.

In the next place the Archbishop of *Cant.* hath his Court of Audience kept within the Archbishops Palace, and medleth not with any difference between parties, but concerning Elections and Consecrations of Bishops, Admission and Institution to Benefices, dispensing with Banes of Matrimony, &c.

The next Court is called the Prerogative Court, which judgeth of Estates fallen by Will, or by Intestates, so called because the Archbishop *jure Prærogativæ suæ*, hath this power throughout his whole Province, where the party at the time of death had 5 *l.* or above in several Dioceses; and these two Courts hath also the Archbishop of *York*. Lastly,

Laſtly, the Court of Peculiars, which dealeth in certain Pariſhes lying in ſeveral Dioceſes, which Pariſhes are exempt from the jurisdiction of the Biſhops of thoſe Dioceſes, and are peculiarly belonging to the Archbiſhop of *Canterbury*, in whoſe Province there are 57 ſuch Peculiars.

Beſides theſe Courts ſerving for the whole Province, every Biſhop hath his Court held in the Cathedral of his Dioceſs over which he hath a Chancellor, tearmed antiently *Eccleſiecticus & Epiſcopi Ecdicus*, the Church Lawyer or the Biſhops Lawyer, who being skil'd in the Civil and Canon Law ſits there as Judge; and if his Dioceſs be large, he hath in ſome more remote place a Commiſſary, whoſe authority

is only in some certain place of the Diocess, and some certain Causes limited to him by the Bishop in his Commission; and these are called Consistory Courts.

Moreover every Archdeacon hath his Court and Jurisdiction, where smaller differences arising within his limits are pleaded. Also the Dean and Chapter hath a Court, and take cognizance of Causes happening in places belonging to the Cathedral.

Lastly, there are certain peculiar Jurisdictions belonging to some certain Parishes, the Inhabitants whereof are exempt sometimes from the Archdeacons Jurisdiction, and sometimes from the Bishops Jurisdiction.

Causes

Cauſes belonging to Eccleſiaſtical Courts, are Blaſphemy, Apoſtaſie from Chriſtianity, Hereſies, Schiſms, Ordinations, Inſtitutions of Clerks to Benefices, Celebration of Divine Service, Rights of Matrimony, Divorces, general Baſtardy, Tythes, Oblations, Obventions, Mortuaries, Dilapidations, Reparation of Churches, Probate of Wills, Adminiſtrations, Simony, Inceſts, Fornications, Adulteries, Solicitation of Chaſtity, Penſions, Procurations, Commutation of Penance, &c. the cognizance whereof belongs not to the Common Law of *England*.

The Lawes and Conſtitutions whereby the Eccleſiaſtical Government doth ſtand, and the Church of *England* is governed, are firſt general Canons

made by General Councils; also the *Arbitria sanctorum Patrum*, the opinion of Fathers, the grave Decrees of several holy Bishops of *Rome*, all which are of force in the Church of *England*, so far as the Kings of *England* from time to time have admitted of them.

Next our own Constitutions made antiently in several Provincial Synods, either by the Legats *Otho* and *Othobon* sent from *Rome*; or by several Archbishops of *Canterbury*; all which are by 25 *H.* 8. of force in *England*, so far as they are not repugnant to the Laws and Customs of *England*, or the Kings Prerogative. Then the Canons made in Convocations of later times, as *primo Jacobi*, and confirmed by his Royal Authority.

Also

Alſo ſome Statutes enacted by Parlement touching Eccleſiaſtical affairs: And laſtly divers Cuſtoms not written, but yet in uſe beyond the memory of man: and where theſe fail the Civil Law takes place,

The manner of Tryals by theſe Laws and Cuſtoms are different from the Tryals at Common Law, and are briefly thus. Firſt goes forth a Citation, then Bill and Anſwer, then by Proofs, Witneſſes, and Preſumptions the matter is argued *pro* and *con*, and the Canon and Civil Laws quoted, then without any Jury the definitive ſentence of the Judge paſſeth, and upon that Execution. And this is the manner of trying Eccleſiaſtical Civil Cauſes; but Eccleſiaſtical Criminal

minal Causes are tryed by way of Accusation, Denuntiation, or Inquisition. The first, when some one takes upon him to prove the crime: the second when the Church-wardens present and are not bound to prove, because it is presumed they do it without any malice, and that the crime is notorious. Lastly by Inquisition, when by reason of common fame inquiry is made by the Bishop *ex officio suo*, by calling some of the neighbourhood to their Oathes, or the party accused to his Oath *ex officio*, so called because the Ecclesiastical Judge doth it *ex officio suo*, which is very antient, and was u ual among the Jews; so *Joshua* to *Acan*, *Fili mi tribue gloriam, &c.* So God himself to *Adam* upon his first transgression;

on; and likewiſe afterward to *Sodom*; but by the prevailing Faction in the Long Parlement, this power was extorted from the Church, the want whereof is one main cauſe of the great libertiniſm and debauchery of the Nation.

Now the puniſhments inflicted by theſe Spiritual or Eccleſiaſtical Courts, according to theſe Spiritual or Eccleſiaſtical Laws, proceed in this manner. Firſt the party delinquent is admoniſh'd; next goes forth *minor Excommunicatio*, whereby he is excõmunicated or excluded from the Church; or if not from the Church, yet from the Communion of the Lords Supper; and this commonly for Stubbornneſs ſhewed by not appearing in the Eccleſiaſtical Court upon ſum-

ſummons, or not obeying the Orders of the Court which though in ſmalleſt matters, yet may be a very great crime; for *Res præcepta quo facilior eſt obſervatu eo præcepti violatio eſt gravior cum ſit magis ſpontanea*, as St *Auſtin* obſerves of the firſt ſin of *Adam*. Any command by how much the eaſier it may be ob erved, by ſo much the more grievous is the breach thereof, becauſe it is the more voluntary: beſides in contempts it is not ſo much the violation of the Law as of the Authority, which ought to be reſented. And herein the Church of *England* proceedeth no othe wiſe than the State of *England*; for ſo odious in the eye of the common Law of *England* is the contempt thereof, that not only

for

for Felonies, but even in an Action of the Case, in an Action of a small Debt, Account or Detinue, if a man will not appear and submit himself to a Tryal at Law, a Process of Outlawry is grounded against him, and he being once outlawed, he is out of the protection of the Law. *Caput gerit lupinum* saith *Bracton*, he was lookt upon as a Wolf lawfully to be killed by any man that should meet him, as most just, that he who contemned the Law, and therein the King, should not have benefit by the Law, nor protection from the King. The Reader will easily pardon this digression when he considers the general cry against Excommunications at this day.

This

This power of lesser Excommunication the Bishop may delegate to any grave Priest with the Chancellour.

Excommunicatio major is not only an exclusion from the company of Christians in Spiritual duties, but also in Temporal affairs, and this commonly for Heresie, Schism, Perjury, Incest, and such grievous crimes; and that it may be done with the more solemnity and terror, it is to be pronounced by the Bishop himself in his proper person; and being so excommunicated, a man cannot in any Civil or Ecclesiastical Court be Plaintif or Witness. And in case any man be so stubborn as to continue 40 dayes excommunicated, the Kings Writ *de excommunicato capiendo* is granted forth of the Chan-

Chancery againſt him; whereupon he is caſt into priſon without bayl, there to lye till he hath ſatisfied for his offence.

Next there is *Major Excommunicatio* to be inflicted only upon an obſtinate Heretick, whereby he is declared a publick Enemy of God, and rejected, and curſed, and delivered over to eternal damnation: and this is to be done by the Biſhop, alſo in his own perſon aſſiſted by the Dean and Chapter, or twelve other grave Prieſts.

Laſtly, there is *Interdictum*, whereby is prohibited all Divine Offices, as Chriſtian Burial, Adminiſtration of Sacraments, &c. in ſuch a Place, or to ſuch a People, and if this be againſt a People; it follows them whereſoever they go; but if againſt a Place

Place only, then the People of that Place may go to Divine Offices elsewhere.

Besides these general Censures of the Church, which respect Church Communion, there is another which toucheth the body of the Delinquent, called Publick Penance, when any one is compelled to confess in publick his fault, and to bewail it before the whole Congregation in the Church; which is done in this manner: the Delinquent is to stand in the Church Porch upon some Sunday bare, head and feet, in a white sheet, and a white rod in his hand, there bewailing himself and begging every one that passes by to pray for him; then to enter the Church falling down and kissing the ground; than

then in the middle of the Church, placed in a higher place in the ſight of all the People, and over againſt the Miniſter, who declares the foulneſs of his crime odious to God, and ſcandalous to the Congregation, that God can no way be ſatisfied but by applying Chriſts ſufferings, nor the Congregation, but by an humble acknowledging of his ſin, and teſtifying his ſincere repentance and ſorrow, not in words only, but with tears, and promiſing there in the ſight of God and his holy Angels, that by Gods aſſiſtance, and by prayer, meditation, and daily works of piety he will endeavour hereafter more carefully to watch againſt the temptations of the world, the allurements of the fleſh, and the ſnares of the Devil:

Devil: which being done, and the Priests in Christs name pronouncing the remission of sins, the penitent humbly beseeches the Congregation to pardon him that great scandal against them, and receive him into their holy communion, and to account him again a Member of their Church, and in testimony hereof out of their Christian Charity, to vouchsafe to say with him aloud the Lords prayer. And this way of the Church of *England* appears by divers Writers to be the antient way used by the Primitive Churches.

Note that it is ordained by the Canons of the Church of *England*, that in case the crime be not notorious and publick, the forenamed penance may at the parties request be commuted into

into a pecuniary mulct for the poor of the Parish, or some pious uses, provided that for the reformation of the Delinquent that way appear to be the more probable way; for some men will be thereby reclaimed, who by publication of their offence would become more impudent, and hardned, when they perceive their reputation to be lost.

There remains one more punishment or Ecclesiastical censure which toucheth the body, and that is denyal of Christian burial, which is inflicted not in *pœnam mortuorum*, but in *terrorem viventium*, who naturally desire that after their death their bodies may be decently interred. And Christian burial is wont to be denyed by the Church of *England* to persons dying excom-

communicate, to perjured persons, to such as are hanged for felony, or that wilfully kill themselves, and to Apostats, Hereticks, and Extortioners.

To these forenamed Censures and Punishments both Laity and Clergy are subject; but besides these there are Punishments whereunto the Clergy only are lyable; as first *Suspensio ab Officio*, when a Minister for a time is declared unfit to execute the Office of a Minister.

Then *Suspensio a Beneficio*, when a Minister for a time is deprived of the profits of his Benefice; and these two Censures are wont to be for smaller crimes.

Thirdly *Deprivatio a Beneficio*, when for a greater crime a Minister

Minister is wholly and for ever deprived of his Living.

And fourthly *Deprivatio ab Officio*, when a Minister is wholly and for ever deprived of his Orders, and this is called *Depositio*, or *Degradatio*, and is commonly for some heynous crime meriting death, and is performed by the Bishop in a solemn manner, pulling off from the Criminal his Vestments, and other Ensignes of his Order; and this in the presence of the Civil Magistrate, and then delivered to him to be punished as a Lay man for the like offence. And herein Bishops are to take special care to behave themselves μηδ' ὡς κατακυριεύοντες τῶν κλήρων, not as lording over Gods Heritage, not as absolute Masters over Servants, to gain by

by their punishments, but as Fathers over Children, for their amendment, and as being Ministers in Spiritual affairs, to use their power for the good of Christians, and to conduct that power by moderation.

Of

Of the Parlement of England, *and therein of the Perſon ſummoning, the Manner of the Summons, the Perſons ſummoned, their Priviledges; the Place and Manner of Sitting, the Paſsing of Bills in either Houſe, the Paſſing of Acts of Parlement, of Adjourning, Proroguing, and Diſſolving of Parlements.*

A Brief Account of the Eccleſiaſtical Government having been given, next follows the Civil Government, towards which the firſt great wheel that

moves is the Parlement of *England.*

Before the Conqueſt the Great Council of the King conſiſting only of the Great men of the Kingdom, was called *Magnatum Conventus*, or elſe *Prælatorum Procerumq; Concilium*, and by the *Saxons* in their own Tongue *Mickle Gemot*, the Great Aſſembly; after the Conqueſt it was called by the French word *Parlementum*, from *Parler*, to talk together, ſtill conſiſting only of the Great men of the Nation, untill the Reign of *H.* 3. The Commons alſo were called to ſit in Parlement; for the firſt Writs ſent forth to ſummon them, beats date 49 *H.* 3. about 400 years ago.

None but the King h th authority to ſummon a Parlement: It

In the Kings abſence out of the Realm, the *Cuſtos Regni* in the Kings name doth ſummon a Parlement, and during the Kings Minority within the Realm, the *Protector Regni* doth the ſame.

No Parlement can begin without the Kings Preſence, either in Perſon, or by Repreſentation by Commiſſioners.

When the King of *England* is with his Parlement in time of Peace, he is then ſaid to be in the height of his Royal Dignity, as well as when he is at the Head of his Army in time of War. There is then ſcarce any thing that the King cannot do, his power cannot be confined, for Cauſes or Perſons, within any bounds. He can, with the concurrence of his Lords and Commons, legitimate one that

is born illegitimate, bastardize one that is born legitimate, that is to say, one begotten in Adultery, the husband being then within the four Seas. He can make an Infant of full age, make an Alien or Forreigner, an Englishman, can attaint a man of Treason when he is dead, when he is no more a man, &c.

A Parlement is summoned in manner following; About 40 daies before the Parlement doth assemble, the King issues out his Writ *cum Advisamento Concilii sui*, and the Warrant is *per ipsum Regem & Concilium.*

The Kings Writ (which is a short Letter or Epistle) is directed and sent to every particular Person of the Lords Spiritual and Temporal, commanding the Lords Spiritual *in Fide & Dilection,*

ctione, and the Lords Temporal, *per Fidem & Allegiantiam*, to appear at a certain time and place, to treat and give their Advice in ſome certain important affaires concerning the Church and State, *&c.*

Other Writs are ſent to the High Sheriff of each County, to ſummon the people to elect two Knights for each County, two Citizens for each City, and one or two Burgeſſes for each Burrough, according to *Statute Charter* or *Cuſtomes*.

In theſe Elections, antiently, all the people had their Votes, and moſt Votes carryed it, but for avoyding of Tumults and Trouble, it was enacted by *H.* VI. that none ſhould have any ſuffrage in the election of Knights of the Shire, but ſuch

as were Free-Holders, did reside in the County, and had yearly Revenue 40 *s.* (which till the discovery of the Gold and Silver in *America*, was as much as 30 or 40 *l.* now) whence it came to pass, that the Lay-Commons were then elected as the Clergy-Commons, the *Procuratores Cleri* were and ever have been, viz. *sine Prece, sine Pretio, sine poculo, &c.*

The persons elected for each County, are to be *Milites Notabiles*, or at least *Esquires* or Gentlemen fit to be made Knights, as it is in the Statutes of *H.* VI. They ought to be *de discretioribus Militibus, & ad laborandum potentioribus*, as the words in some Writs have been: they ought not to be of younger years, for then it would be *In-*

natus

natus (si sic loqui liceat) potius quam Senatus, not lazy Epicures but men of years, vigorous, active and abstemious men, that will be content to give their constant attendance in Parlement, or elss to enjoy neither Priviledge nor Expences allowed to every Member of the Comons House. They ought to be native English-men, or at least such as have been naturalized by Act of Parlement. No Alien or Denizon, none of the Twelve Judges, no Ecclesiastical person that hath cure of Souls may be chosen a Parlement man, to serve for any County, City, or Burrough.

Two things are said to be requisite to the legality of sitting in Parlement; first, that a man should be of full age, that is 21

years old at the leaſt; for if no man under that age can diſpoſe of his Eſtate, nor make one legal Act to that purpoſe, then much leſs may he bear any part in the ſupreme Power of the Nation, to Judge, Vote, or Diſpoſe of the Eſtate of the whole Realm: yet the practice in the Houſe of Commons (though never in the Houſe of Lords) hath ſometimes been otherwiſe.

All Members of Parlement, both Lords and Commons, that they may attend the Publick Service of their Country, are priviledged with their menial Servants attending on their perſons, together with all their neceſſary Goods brought along with them from all Attachments and Impriſonments, for Debt,

Treſ-

Treſpaſs, Account, or Covenant, all the time that they are on their way to the place of Parlement, all the time they are at Parlement, and all the time they are on their way home again, *Eundo, Morando & ad propria redeundo* (for ſo were the old words) but they are not priviledged from Arreſts for Treaſon, Felony, or Breach of the Peace.

The Place of Meeting for this High and Honourable Aſſembly, is in whatſoever City, Town, or Houſe the King pleaſeth, but of later times it hath been uſually held at the Kings antient Palace and uſual Reſidence at *Weſtminſter*, all the Lords in a fair Room by themſelves, and the Commons not far from them in another fair

Room, which was heretofore the antient Free Chappel of *St. Stephen.*

The Manner of sitting in the Lords House is thus.

The King as oft as he comes is placed at the upper end of the Room in a Chair of State under a Cloth of State, under which on either hand none but the Kings Children.

On the Kings right hand is a Seat, antiently, for the King of *Scotland*, when he was summoned to Parlement, as he sometimes was *in fide & legiantia*; but now it is for the Prince of *Wales*. On the Kings left hand is a Seat for the Duke of *York*.

On the Kings right hand next the wall are placed on a Form the two Archbishops, next below on another Form, the Bishops

ſhops of *London*, *Durham*, and *Wincheſter*; all the reſt of the Biſhops ſit according to the priority of their Conſecration.

On the Kings left hand next the wall upon Forms are placed the Lords Chancellour, Treaſurer, Preſident of the Kings Council, and Lord Priyy Seal; if they are Barons, above all Dukes, except thoſe of the Royal Family; if they are not Barons, then they ſit uppermoſt on the Woolſacks.

On the ſame ſide ſit the Dukes, Marquiſſes and Earls according to their Creations.

Upon the firſt Form acroſs the Houſe below the Woolſacks ſit the Viſcounts, and upon the next Forms all in the Barons order.

The Lord Chancellor or Keeper (if the King be preſent) ſtands

ſtands behind the Cloth of Eſtate, otherwiſe ſits on the firſt Woolſack thwart the Chair of State, his Great Seal and Mace by him. He is Lord Speaker of the Lords Houſe. Upon other Woolſacks ſit the Judges, the Privy-Councellors and Secretaries of State, the Kings Council at Law, the Maſters of Chancery. Theſe being not Barons have no ſuffrage in Parlement, only ſit to give their advice when it is required. The reaſon why theſe Sages are placed upon Woolſacks may probably be to mind them of the great importance of Wool and Sheep to the Nation, that it never be neglected.

On the lowermoſt Woolſack are placed the Clerk of the the Crown, now *Henry Barker* Eſquire, and Clerk of the Parlement

ment at preſent *John Brown* Eſquire; whereof the former is concerned in all Writs of Parlement, and Pardons in Parlement; the other recordeth all things done in Parlement, and keepeth the Records of the ſame. This Clerk hath alſo two Clerks under him, who kneel behind the ſame Woolſack, and write thereon. Without the Bar of the Lords Houſe ſits the Kings firſt Gentleman Uſher called the Black Rod, from a black Staff he carries in his hand, under whom is a Yeoman Uſher, that waits at the Door within, a Cryer without, and a Sergeant at Mace alwayes attending the Lordkeeper.

When the King is preſent with his Crown on his head none of the Lords are covered.

The

The Judges ſtand till the King gives them leave to ſit.

When the King is abſent the Lords at their entrance do Reverence to the Chair of State, as is or ſhould be done by all that enter into the Kings Preſence Chamber.

The Judges then may ſit but may not be covered till the Chancellour or Keeper ſignifie unto them the leave of the Lords.

The Kings Councel and Maſters of Chancery ſit alſo, but may not be covered at all.

The Commons in their Houſe ſit promiſcuouſly, only the Speaker hath a Chair placed in the middle, and the Clerk of that Houſe near him at the Table. They never had any Robes (as the Lords ever had) but wear

wear every one what he fancieth moſt, which to ſtrangers ſeems very unbecomming the Gravity and Authority of the Great Council of *England* : and that during their attendance on Parlement, a Robe or grave Veſtment would as well become the Honorable Members of the Houſe of Commons, as it doth all the Noble Venetians both young and old, who have right to ſit in the great Council of *Venice*, and as it doth the Senators of *Rome* at this day, *&c.*

The time of ſitting in Parlament, is on any day in the morning, or afore dinner, onely it hath antiently been obſerved, not to aſſemble upon ſome high Feſtival dayes, but upon ordinary Sundayes oft-times, as dayes accounted by all Chriſtians leſs ſolemn

ſolemn then divers other Feſtivals, which are celebrated but once a year.

When the day prefixt by the King in his Writs of Summons is come, the King uſually cometh in perſon with his Crown on his Head, and declares the cauſe of the Summons in a ſhort Harangue, leaving the reſt to the Lord Keeper, who then ſtands behind His Majeſty; the Commons, in the mean time ſtanding bare at the Barre of the Lords Houſe, are afterwards in the Kings Name commanded to chooſe them a Speaker (which without the Kings Command they may not doe) whereupon they returning to their own Houſe, make choice of one of their own Members, whom afterwards, upon another day, they

they preſent to the King, and being approved of by His Majeſty ſitting in his chair, and all his Lords, both Spiritual and Temporal in their Robes of Scarlet, he makes a modeſt refuſal; which not allowed, he petitioneth His Majeſty that the Commons may have during their ſitting; *firſt*, a free Acceſs to His Majeſty. *Secondly*, Freedome of Speech within their own Houſe. *Thirdly*, Freedom from Arreſts.

Before any affair be medled with, all the Members of the Houſe of Commons, take the Oath of *Allegeance* and *Supremacy*, in the Preſence of an Officer appointed by the King.

By an old Manuſcript called *Modus tenendi Parlamentum*, it doth

doth appear that the House of Commons did antiently (as the House of Lords at this day) consist of Clergy men as well as lay men, there sate the *Procuratores Cleri*, two for each Dioceſs, repreſenting all the Clergy-Commons of the Dioceſs, as the Knights of the Shire doth all the Lay Commons of the Shire; for it was then judged expedient that every Freeman of *England*, as well Clergy as Laity ſhould, in paſſing of all Laws touching propriety, whereunto they were to be ſubject, give their Conſent perſonally or immediately by themſelves, or elſe by ſome that by their Election ſhould mediately undertake for them, and the words of the Writ for ſummoning the *Procuratores Cleri*

ri ſeemes to warrant the ſame at this day.

The manner of Debates of paſſing of Bills and Acts is thus,

It is the practiſe of each Houſe to debate not onely of what the King hath propoſed, but of any other matters, though heretofore that hath ſometimes been by the Soveraign expreſsly forbidden.

It is free for any man of the Parlament, or not of the Parlament, to get a Bill drawn by ſome Lawyer, and give the ſame to the Speaker or Clark of the Parlament to be preſented at a time convenient, and this Bill may be put firſt either in the Lords Houſe or the Commons Houſe.

Whatever is propoſed for a Law, is firſt put in Writing, and call'd

called a Bill, which being read commonly after 9 of the Clock, in a full Assembly, it is either unanimously rejected at first, or else allowed to be debated, and then it is committed to a certain number of the House presently nominated, and called a Committee. After it hath been amended, and twice read two several dayes in the House, then it is engrossed, that is, written fair in Parchment, and read the third time another day, and then if it be in the Lords House, the Lord Keeper, if in the Commons House, the Speaker demandeth if they will have it put to the Question, Whether a Law or no Law? if the *Major* part be for it there is written on the Bill by the Clark, *Soit baillé aux Communes*, or, *Soit baillé aux Seigneurs*, re-

reteining ſtill in this, and ſome other things about making laws, the cuſtome of our Anceſtors, who were generally skilled in the *French* Tongue.

Note, that when the Speaker findes divers Bills prepared to be put to the queſtion, he gives notice the day before, that on the morrow he intends to put ſuch Bills to the paſſing or third reading, and deſires the ſpecial attendance of all the Members.

Note alſo that if a Bill be rejected, it cannot be any more propoſed during that Seſſion.

A Bill ſent by the Commons up to the Lords is uſually (to ſhew their reſpect) attended with 30 or 40 of the Members of the Houſe: as they come up to the Lords Barr, the Member that hath the Bill, making three pro-

profound reverences, delivereth it to the Lord Keeper, who for that purpose comes down to the Bar.

A Bill sent by the Lords to the Commons is usually sent by some of the Masters of the Chancery or other person, whose place is on the Woollsacks (and by none of the Members of that House) and they coming up to the Speaker and bowing thrice, deliver to him the Bill, after one of them hath read the title, and desired it may be there taken into consideration, if afterwards it pass that House, then is written on the Bill, *Les Communes ont assentez.*

When any one in the Commons House will speak to a Bill, he stands up uncovered, and directs

rects his Speech onely to the Speaker, then if what he delivers be confuted by another, yet it is not allowed to answer again the same day, least the whole time should be spent by two talkative persons. Also if a Bill be debating in the House, no man may speak to it in one day above once.

If any one speak words of offence to the Kings Majesty, or to the House, he is called to the Bar, and sometimes sent to the Tower. The Speaker is not allowed to perswade or diswade in passing of a Bill, but only to make a short and plain Narrative.

After Dinner the Parlament sits not, though many times they continue sitting long in the afternoon.

Com-

Committees sit after dinner, where it is allowed to speak, and ply as oft as they please.

In the Lords House, they give their Suffrages or Votes beginning at the *puisne* or lowest Baron, and so the rest seriatim, every one answering apart [content] or [not content.]

In the House of Commons they vote by *Yea's* and *No's* altogether, and if it be doubtful whether is the greater number, then the *Yea's* are to go forth, and the *No's* are to sit still (because these are content with their present condition, without any such addition or alteration of Laws as the other desire) and some are appointed to number them, but at a Committee though it be of the whole House as is sometimes, the *Yea's* go on

one

one ſide, and the *No*'s on the other whereby they may be diſcerned.

If a Bill paſs in one Houſe, and being ſent to the other Houſe, they demurr upon it, then a Conference is demanded in the Painted Chamber, where certain deputed members of each Houſe meet, the Lords ſitting covered at a Table, the Commons ſtanding bare with great reſpect, where the buſineſs is debated: if they then agree not, that buſineſs is nulled, but if they agree then it is at laſt brought (with all other Bills which have paſſed in both Houſes) to the King who, comes again with His Crown on His Head, when His Pleaſure is to prorogue or diſſolve them; and

being seated in His Chair of State, and all the Lords in their Robes; the Clark of the Crown reads the Title of each Bill, and as he reads, the Clark of the Parlament, according to his Instructions from the King, pronounceth the Royal Assent. If it be a publique Bill, the Answer is [*Le Roy le vent*] which gives life and birth to that Bill that before was but an *Embrio*. If a private Bill, the Answer is [*Soit fait comme il est desiré*] If it be a publique Bill, which the King likes not, then the Answer is [*Le Roy s' aviserá*] which is taken for an absolute denyal in a more civil way, and that Bill wholly nulled. So that it is as true in *England* in some sence, as in any Monarchy in the World,

Quod

Quod Principi placuit legis habet vigorem, Not that whatever the King of *England* wills becomes immediately a Law, but that nothing except what the King wills hath the force of a Law.

Note that the King, without His perſonal preſence, can by Commiſſion granted to ſome of his Nobles, give His Royal Aſſent to any Bill that requir's haſt.

If it be a Bill for Monyes given to His Majeſty, then the anſwer is [*Le Roy remercie ſes loyaux ſujets, accepte leur Benevolence, & auſſi le veut*] which antient Ceremony of thanking the Subject for parting with their mony, ſome think might better be ſpared, becauſe it intimates a diſtinct intereſt between the King and His Subjects, which is

not onely false, but very dangerous to be allowed of: The King is *Pater Patriæ*, the Money given to him is for our use and benefit, if we are nigardly to him, we injure our selves, *&c.* The Bill for the Kings generall Pardon, hath but one reading in either House, for this reason, because they must take it as the King will please to give it, so the Bill of Subsidies granted by the Clergy assembled in Convocation for the same reason. When the Bill for the generall Pardon is passed by the King the Answer is thus [*les Prelats. Signeurs & Communes en ce Parlament assemblez au nom de tous vos autres sujets, remercient tres humblement vostre Majeste & prient Dieu vous donner en santé bonne vie & longue.*

All

All Acts of Parlament before the Reign of *Hen.* 7. were passed and enrolled in *French*; now in *English*.

Most of our antient Acts of Parlament run in this stile; The King at the humble request of the Commons, with the assent of the Prelats, Dukes, Earles and Barons hath ordained or enacted. After it was thus, The King by the Advice and Assent of the Lords spiritual and Temporal and with the Assent of the Commons doth enact: of later times it hath been thus, Be it enacted by the Kings most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and of the Commons: although the words of the Writ for summoning the Commons

(which ought to be the main rule) is onely *ad Consentiendum*, and not *ad Consilium impendendum*, as it is in the Writ to the Lords: and its evident that the Commons in the late long Parlament made that an advantage for justifying their usurpations against the King in that point; and so in another Parlament, the Commons endeavoured to maintain that the Concurrence of the Lords was not alwayes necessary in an Act of Parlament, because, 1 *Edw. 6. cap. 5.* in passing that Act against transportation of Horses, the Lords were casually omitted, yet by the Register of the Lords House it appears that that Bill began first in the Lords House, and there passed before the Commons took it in debate, and

and therefore the Kings Council at Law is very curious in wording rightly all Acts before they are brought to the King, and the Clarks of the Parlament as carefull in transcribing and registring them: However it is to be wished, that to prevent future mischief to this Nation, some clauses in the late Act of *Oblivion* and *Indemnity* might be amended, or at least explained, and more especially about the beginning of that Act, these words [*That all manner of Treasons, &c. since* January 1637. *and before* June 1660. *by vertue of any Authority from His late Majesty King* Charles, *or His Majesty that now is, be pardoned, &c.*] which words might possibly be foisted in designedly to insinuate, as if (according to

that most absurd and Traiterous position of some of the Rebellious Members of the long Parlament) the Kings person or any commissionated by him could be guilty of Treason against the Kings Authority, or against His two Houses of Parlament, by pursuing of Rebels to bring them to Justice according to the Laws of the Land. It were also to be desired, that to prevent the great dishonour of making additional and explanatory Acts of Parlament, so frequently as hath of late been done, all considerable Bills of Publick concernment, once read in either House of Parlament, may (before they be passed) be exposed to the view of all comers (as antiently among the Romans was usual) to the end that

that any other perſon (beſides thoſe of the two Houſes) may within the ſpace of certain daies freely propoſe in writing or otherwiſe, his exceptions, additions, alterations, or amendments, *Sed hæc obiter.*

The Power and Priviledges of both Houſes of Parlament are divers and diſtinct one from another.

The Lords Houſe hath a power not onely in making and repealing Laws, but alſo *in tractando & conſilium impendendo*, as the words of the Writ are, alſo in Judging of Controverſies, judging in the arraigment of any Peer of the Realm, putting men to their Oaths, eſpecially in matters of importance as the Corruption of Judges and Magiſtrates, in Errours, Illegal

proceedings in other Courts, in Appeals from Decrees in Chancery, *&c.*

The Lords that in their Religion conform not to the Church of *England*, may yet ſit and have Suffrage in the Lords Houſe.

All the Lords Spiritual and Temporal have this Priviledge, That if by reaſon of Sickneſs, or other buſineſs they cannot appear, they may make Proxies to vote in their ſtead, after licence obtained by a letter under the Kings ſignet, to be excuſed for their abſence: ſo that in every Parlament, every perſon in *England*, either by himſelf, Proxy, or Repreſentative is ſaid to be there and to have his ſuffrage for making or repealing any Law.

The

The Commons have alſo a power in making and repealing Laws: They alſo have their Negative Voyce, For levying of any money upon the Subject, the Bill is to begin in the Commons-Houſe, becauſe from them doth ariſe the greater part of Monyes.

The Commons have the Priviledge to ſupplicate and propoſe Laws, to impeach publique Delinquents, even the higheſt Lord of the Kingdome both Spiritual and Temporal.

The Houſe of Commons is the Grand Inqueſt of the Realm, ſummoned from all parts to preſent publique Grievances, and Delinquents to the King and Lords to be redreſſed and puniſhed by them, and to this purpoſe, the Lords ſit in their Robes

Robes on the Bench covered, as Judges do in other Judicatories; they swear and examine witnesses, and at length pass sentence, whilst the Members of the Commons House stand bare at the Barre of the Lords House, produce Witnesses, manage evidence, &c.

Note, That although every Member of the Commons House is chosen to serve for one particular County, City or Burrough, yet he serves for the whole Kingdome, and his voyce equal to any other, his power absolute to consent or dissent without ever acquainting those that sent him or demanding their assent, as the States General of the United *Netherlands* are obliged to do in many Cases.

Yet

Yet are they to make that their ſpecial care to promote the good of that County, City or Burrough for which they ſerve.

Although the Lords of Parlament are to bear their own charges, becauſe they repreſent there onely themſelves; yet all the Commons, both Lay and Clergy, that is, the *Procuratores Cleri*, are to have *rationabiles Expenſas* (as the words of the Writ are) that is, ſuch Allowaance as the King, conſideſiring the Prices of all things, ſhall judge meet to impoſe upon the People to pay. In the 17 *Edward.* 2. it was 10 *groats* for Knights, and 5 *groats* for Burgeſſes, but not long after it was 4s. a day for dubbed Knights, and 2s. for all others; which

in

in those daies, as appears by the prices of all things, was a considerable summ, above 20 times more than it is now, for not onely their expences were considered, though that was great, by reason of the sutable attendance that then every Parlament man had, but also their pains, their loss of time, and necessary neglect of their own private affaires for the service of their Country; and when the Countries, Cities and Burroughs, paid so dear for their Expences, they were wont to take care to choose such men as were best able and most diligent in the speedy dispatch of affaires, by which means with some other, more business in those times was dispatched in Parlament in a week, then is now perhaps in ten

ten: ſo that the Protections for Parlament men, and their Servants from Arreſts, were not then grievous, when ſcarce any Parlament or Seſsion laſted ſo long as one whole Term.

In the raign of *Edw.* 3. the Parlaments ſometimes ſate but eight daies, and ſometimes leſs, as may be ſeen in the Records of the Tower, and yet tranſacted, ſeveral and weighty affairs, of the Nation: many things being prepared before hand (as ſome think) by the King and His Privy Council, as they are at preſent in *Sweden*, and that commonly, they then debated onely upon ſuch things, as the King did propoſe, which is now done by the Convocation of the Clergy of *England*.

The afore-mentioned expences

ces being duly paid, did cauſe all the petty decayed Burroughs of *England* to become humble Suitours to the King that they might not be obliged to ſend Burgeſſes to Parlament, whereby it came to paſs that divers were unburgeſſed, as it was in particular granted to *Chipping Torriton* upon their Petition, and then the number of the Comons Houſe being ſcarce half ſo many as at preſent, their Debates and Bills were ſooner expedited, no faction among them, nor diſtinction of Parties, but altogether by a bleſſed unanimity amongſt themſeves, and complyance with the Lords rarely denyed any thing to the King, and as rarely were denyed any thing by the King.

When thoſe things for which

which the Parlament was ſummoned have been ſufficiently treated and brought to a concluſion, then the King doth uſually adjourn, prorogue or diſſolve the Parlament in manner following.

The adjournments are uſually made in the Lords Houſe, by the Lord Keeper, in the Kings name, to what other day the King pleaſeth, and alſo to what other place, if he think fit to remove them, as ſometimes hath been done, and then all things already debated and read in one or both Houſes, continue to the next meeting in the ſame State, they were in before the adjournment, and ſo may be reſumed.

In the like manner, the Parlament is Prorogued, but by a

Pro-

Prorogation there is a Session, and then the Bills that were almost ready in both Houses for the Royal Assent, not having it, must at the reassembling of the Parlament begin anew.

The Speaker of the House of Commons upon notice given that it is the Kings pleasure that House shall also adjourn, doth say, with the assent of the House, This House is adjourned.

When the Kings pleasure is to prorogue or dissolve the Parlament, His Majesty commonly cometh in person with His Crown on His Head, sendeth for all the House of Commons to come to the Barre of the Lords House: and after the Kings answer to each Bill signified as aforementioned, His Majesty

jeſty uſually makes a Solemn Speech, the Lord Keeper another, and the Speaker of the Houſe of Commons a third; then the Lord Keeper by the ſpecial command of the King doth pronounce the Parlament prorogued or diſſolved.

Note, That the King being head of the Parlament, if his death doth happen during the ſitting of the Parlament, it is, *ipſo facto* diſſolved.

Antiently, after every Seſſion of Parlament the King commanded every Sheriff to proclaim the ſeveral Acts and to cauſe them to be duly obſerved, yet without that Proclamation, the Law intended that every one hath notice by his repreſentative of what is tranſacted in Parlament: of later times

times since Printing became common, that custome hath been laid aside.

The Number of persons that have place and Suffrage in both Houses.

To the Lords House belong 3 Dukes of the Royal Blood, though one be *infra ætatem*. 7. other Dukes. 3. Marquises. 56. Earles. 9. Vicounts: and 67. Barons: in all 154. Then there are 2 Arch-bishops, and 26 Bishops. So that the total is 180. But many being under age, some sick and infirme, others abroad in the Kings service, the ordinary number is about an 100.

To the House of Commons be-

belong first for the 40 Shires of *England* two for each, in all 80 Knights; then one for each of the twelve Counties of *Wales*, 12 Knights. For 25 Cities in *England*, two to each, and *London* four, in all 52 Citizens. For the *Cinque Ports* 16 Barons, for the two *Universities*, two for each: For 168 Burroughs there are about 330 Burgesses, for some few of those Burroughs send but one Burgess apiece, lastly in each of the 12 Counties of *Wales*, there is one Burrough that sends only one Burgess; so the total number of the House of Commons, is a little above 500 persons, whereof commonly near 200 are absent upon business or sickness, *&c.*

Note, that the Barons of the

the Cinque Ports, are at this day onely as other Burgesses in Parlament, but are still called Barons, after the antient manner, because heretofore they got great renown by their exploits at Sea in defending the Kingdome, in memory whereof, they have yet the Priviledge to send 4 of their Burgesses to bear the cloth of State over the Kings head on the day of his Coronation, and to dine that day in the Kings Presence.

A Liſt of all the Knights, Citizens, Burgeſſes and Barons of the Cinque Ports, that at Preſent ſerve in the Parlament of England.

Bedford.

SIR Humphry Winch, bar.
Sir John Nappier, bar.

Town of Bedford.

Pawlet St. John, eſq.
Sir William Beecher, kt.

Berks.

John Lovelace, eſq;
Sir Richard Powle, kt. of the Bath.

Burrough of New windſor.

Sir Richard Braham, kt.
Sir Thomas Higgons, kt.

Ba-

Borough of Reading.

Sir Thomas Doleman, kt.
Richard Aldworth, esq;

Borough of Wallingford.

Sir John Bennet, Knight of the Bath.
Robert Packer, esq;

Borough of Abingdon.

Sir George Stonehouse, bar.

Bucks.

Sir William Boywer, kn. and bar.
Sir Will. Terringham, kt. of the Bath.

Town of Bucks.

Sir Richard Temple, bar.
Sir William Smith, bar.

Borough of Chipping Wiccomb.

Sir Edmond Pye. kn. and bar.
Sir John Burlace, bar.

Borough of Aylesbury.

Sir Richard Ingoldsby, knight of the Bath.
Sir Thomas Lee, bar.

Be-

Borough of Agmondesham.
Sir Will. Drake, kn.
Sir Thomas Proby, bar.
Borough of Wendover.
Richard Hampden, esq;
Robert Crooke, esq;
Borough of great Marlowe.
Peregrine Hobby, esq;
Charles Cheyney, esq;

Cambridge.

Sir Thomas Thichely, kt.
Sir Thomas Wendy, kt. of the Bath.
University of Cambridge.
Thomas Crouch, Master of Arts.
Sir Charles Wheeler, bar.
Town of Cambridge.
William Lord Allington.
Roger Pepis, esq;

Chester.

Sir Foulke Lucy, Knight.
Thomas Cholmly, Esq;

City of Chester.

Sir Thomas Smith, bar.
John Radcliff, esq;

Cornwall.

Sir Jonath. Trelawny, kt.
Sir John Corryton, bar.

Borough of Dunhivid, alias, Lanceston.

Sir Richard Edgcombe, Knight of the Bath.
Sir Charles Harbord, kt. His Majesties Surveyor General.

Borough of Leskeard.

John Harris, esq;
Barnard Greenvile, esq;

Borough of Lestwithiel.

Charles Smith, esq;
Silas Titus, esq;

Borough of Truroe.

John Arundel, esq;
Edward Boscawen.

Borough of Bodmin.

Sir John Carew, bar.

Hender

Hender Roberts, esq;

Borough of Helston.

Sir William Godolphin, bar.

Sidney Godolphin, esq;

Borough of Saltashe.

Francis Buller, junior esq,

John Buller, esq;

Borough of Camelford.

Thomas Coventry, esquire.

Sir Will. Godolphin, kt.

Borough of Port-Pigham, alias Westlow.

Sir Henry Vernon, baronet.

John Trelawny, esq;

Borough of Grampound.

Charles Trevanion, esq;

John Tanner, esq;

Borough of Estlow.

Henry Seymour, esq;

Sir Robert Atkins, Kt. of the Bath.

Borough of Penryn.

William Pendarvis, esq;

John Birch, esq;

Borough of Tregony.

Hugh Boscawen, esq;
Thomas Herle, esq;

Borough of Bossiny.

Robert Roberts, esq;
Richard Rous, esq;

Borough of St. Ives.

James Praed, esq;
Edward Nosworthy, esq;

Borough of Fowey.

Jonathan Rashley esq;
John Rashly, gent.

Borough of St. Germans.

John Elliot, esq;
Edward Elliot, esq;

Borough of S. Michael.

Matthew Wren, Esq;
Francis Ld Hawley.

Borough of Newport.

John Speccot, esq;
Nicolas Morice.

Borough of St. Mawes.

Arthur Spry, esq; Sir

Sir Joſeph Tredinham.

Borough of Kellington.

Sir Cyril Wych kt.

Sam. Roll, eſq;

Cumberland.

Sir George Fletcher, bar.

Sir John Lowther, bar.

City of Carlile.

Sir Philip Howard kt.

Chriſtopher Muſgrave, eſq;

Borough of Cockermouth.

Sir Wilfrid Lawſon, kt.

John Clark, eſq;

Derby.

William Lord Cavendiſh.

John Milward, Eſq;

Town of Derby.

Iohn Dalton, eſq;

Anchetel Grey, eſq;

Devon.

Chriſtopher Earl of Torrington.

Sir John Roll, knight of the Bath.

City of Exeter.

Sir James Smith, kt.
Robert Walker, esq.

Borough of Totnes.

Sir Edward Seymour, bar.
Sir Thomas Clifford, kt.

Borough of Plymouth.

Sir William Morice, kt.
Sir Gilbert Talbot.

Town and Borough of Okehampton.

Sir Edward Wise, kt of the Bath.
Sir Thomas Heale Baronet.

Borough of Barnstaple.

Sir John Norcote, bar.
Nicholas Dennis, esq;

Borough of Plympton.

Sir William Stroude, kt.
Sir Nic. Slanning kt. and bar.

Borough of Honiton.

Sir Courtney Poole, bar.
Peter Prideaux, esq;

Borough of Tavistock.

George Howard, esq;

William Ruſſel, eſq;

Borough of Aſhburton,

Sir Geo. Sonds, kt. of the Bath.

John Fowel, eſq;

Borough of Clifton Dartmouth Hardnes.

William Harbord, eſq;

Sir Walter Young, bar.

Borough of Beeralſton.

Sir John Maynard, kt. the Kings Serjeant at Law.

Joſeph Maynard, eſq;

Borough of Tiverton.

Thomas Carew, eſq;

Henry Ford, eſq;

Dorſet.

Giles Strangeways, eſq;

Sir John Strode, kt.

Town of Poole.

Sir John Moreton, bar.

Sir John Fitz-James, kt.

Borough of Dorcheſter.

James Gould, eſq;

John Churchill, esq;

Borough of Kings Lime.

Sr. Iohn Shaw, kt. and bar.

Henry Henly, esq;

Borough of Weymouth.

Sir Iohn Coventry, Knight of the Bath.

Sir Winston Churchill, kt.

Borough of Kings-mellcombe.

Bullen Reymes, esq;

Sir William Pen, kt.

Borough of Bridport.

Humphry Bishop, esq;

Iohn Strangewayes, esq;

Bor. of Shaston, alias *Shaftbury.*

Henry Whittacre, esquire.

Iohn Bennet, esq;

Borough of Wareham.

George Pit, esq;

Robert Culleford, esq;

Borough of Corfe Castle,

Sir Ralf Banks, kt.

John Tregonwell, esq;

Eſſex.

Baneſtre Maynard, eſq;
Sir John Bramſton, Knight of the Bath.

Borough of Colcheſter.

Sir Harbottle Grimſtone, baronet; Maſter of the Rolls.
Sir Iohn Shaw, kt.

Borough of Malden.

Sir Iohn Tirril, kt.
Sir Richard Wiſeman, kt.

Borough of Harwich.

Thomas King, eſq;

Glouceſter.

Sir Bainham Throgmorton, baronet.
Iohn Grubham How, eſq;

City of Glouceſter.

Sir Edward Maſſy, kt.
Evan Seyes, Serjant at Law.

Borough of Cirenceſter.

Iames, Earl of Newburgh.
Iohn George, eſq;

Borough of Tewksbury.

Sir Henry Capel, knight of the Bath.
Richard Dowdswel, esq;

Hereford.

John Kerle, bar.
Thomas Price, esq;

City of Hereford.

Roger Vaughan, esq;
Herbert Westphaling, esq;

Borough of Leompster.

Reynald Graham, esq;
Humphry Cornwall, esq;

Borough of Weobly.

John Barnaby, esq;
Sir Thomas Tompkins, kt.

Hertford.

Sir Richard Franklyn, Kt. & Bar.
Will. Hale, esq;

Borough of St. Albans.

Sam. Grimston, esq;
Thomas Arris, Doctor of Physick.

Borough of Hertford.

Sir Edward Turner, Kt. Speaker.
Sir Thomas Fanshaw, Knight of the Bath.

Huntingdon.

Robert Vicount Mandevile.
Henry Williams, esq;

Borough of Huntingdon.

Sir John Cotton, Bar.
Lyonel Walden, esq;

Kent.

Sir Thomas Peyton, bar.
Sir John Tufton, Kt. and Bar.

City of Canterbury.

Thomas Hardres, Serj. at Law.
Sir Edward Masters, Kt.

City of Rochester.

Sir Francis Clerk, Kt.
Richard Head, Esq;

Borough of Maidstone.

Thomas Herlackenden, Esq;
Sir Robert Barneham, Bar.

Borough

Borough of Queenborough.

James Herbert, esq;
Sir Edward Hales, Bar.

Lancaster.

Sir Roger Bradshaw, Kt.
Thomas Preston, Esq;

Borough of Lancaster.

Richard Kirkby, Esq;
Richard Harrison, Esq;

Borough or Town of Preston in Amounderness.

Edward Rigby, esq;
John Atway, esq;

Borough of Newtown.

Richard Lord Gorges.
Richard Leigh, esq;

Borough of Wigon.

Charles Earl of Ancram.
Sir Ieoffry Shakerley, Kt.

Borough of Clitheroe.

Sir John Heath, Attorney of the Dutchy.
Sir Ralph Ashton, Bar.

Borough

Borough of Liverpoole.
William Stanley, Eſq;
Sir Gilbert Ireland, Kt.

Leiceſter.

John Lord Roos.
George Faunt, Eſq;

Town of Leiceſter.
Sir William Hartop, Kt.
Sir John Prettyman, Kt. & Bar.

Lincoln.

George Vicount Caſtleton.
Sir Robert Car, Kt. and Bar.

Borough of Boſton.
Sir Anthony Irby, Kt.
Sir Philip Harcourt, Kt.

Borough of Great Grimsby.
Jervas Holles, Eſq;
Sir Frechevile Holles, Kt.

City of Lincoln.
Sir Thomas Meers, Kt.
Sir John Mounſon jun. Knight of the Bath.

Town

Town of Stamford.

Peregrin Bertue, Esq;
William Mountague, Esq;

Borough of Grantham.

Sir John Newton, Baronet.
Sir William Thorold, Kt. & Bar.

Middlesex.

Sir Lancelot Lake, Kt.
Sir Thomas Allen, Kt.

City of Westminster.

Sir Philip Warwick, Kt.
Sir Richard Everard, Kt.

London.

Sir John Frederick, Kt.
Sir William Thomson, Kt.
William Love, Esquire.
John Jones, Esquire.

Monmouth.

Sir Trevor Williams, Bar.
William Morgan, Esquire.

Borough of Monmouth.

Sir George Probert, Kt.

Norfolk.

Thomas Lord Richardſon.
Sir Ralph Hare, bar.

City of Norwich.

Chriſtopher Jay, eſq;
Francis Corey, eſq;

Town of Lynn-Regis.

Robert Wright, eſq;
John Coke, eſq;

Town of Great Yarmouth.

Sir William Coventry, kt.
Sir William Doyly, kt. and bar.

Borough of Thetford.

Sir Allan Apſeley, knight.
Joſeph Williamſon, eſq;

Borough of Caſtleriſing.

Sir Robert Paſton, kn. and bar.
Robert Steward, eſq;

Northamton.

Sir Juſtinian Iſham, bar.
George Clark, eſq;

City

City of Peterborough.
William Lord Fitzwilliams.
Humphry Orme, esq;
Town of Northampton.
Christopher Hatton, esq;
Sir Henry Yelverton, bar.
Town of Brackley.
Sir Thomas Crew, knight.
Borough of Higham-Ferrers.
Sir Lewis Palmer, bar.

Northumberland.

Henry Earl of Ogle.
Sir William Fenwick, bar.
Town of Newcastle upon Tine.
Sir Francis Anderson, knight.
Sir John Marley, knight.
Borough of Morpeth.
Sir George Downing, knt. & bar.
Edward Lord Morpeth.
Town of Berwick upon Tweed.
Edward Gray, esq;

Notting-

Nottingham.

Anthony Eyre, eſq;
Sir Francis Leeke, knight and baronet.

Town of Nottingham.

Arthur Stanhop, eſq;
Robert Pierpoint, eſq;

Borough of Eaſtretford.

Sir William Hickman, bar.

Oxon.

Sir Anthony Cope, kn. and bar.

Univerſity of Oxon.

Lawrence Hide, eſq;
Sir Henage Finch, kn. and bar.
His Maj. Atturney General.

City of Oxon.

Robert Croke, eſq;
Brome Whorwood, eſq;

Borough of New-Woodſtock.

Sir Thomas Spencer, bar.
Sir William Fleetwood, kn.

Borough

Borough of Banbury.

Sir John Holeman, kn.

Rutland.

Edward Noell, esq;
Philip Sherrard, esq;

Salop.

Sir Francis Lawley, Bar.
Sir Richard Oately, kn.

Town of Salop.

Robert Leighton, esq;
Thomas Jones, Serj. at Law.

Borough of Bruges, alias Bridgenorth.

Sir William Whitmore, Bar,
Sir Thomas Whitmore, knight of the Bath.

Borough of Ludlow.

Sir Job Charleton, his Majesties Serjeant at Law.
Somerset Fox, esq;

Borough of Great Wenlock.

Sir Thomas Littleton, knight.
George Weld, esq;

Town

Town of Biſhops-Caſtle.

Edmond Waring, eſq;
William Oakeley, eſq;

Sommerſet.

Edward Philips, eſq;
Sir Jo. Sydenham, bar.

City of Briſtol.

Sir John Knight, knight.
Sir Humphry Hook, knight.

City of Bath.

Sir William Baſſet, knight.
Sir Francis Popham, kn. and bar.

City of Wells.

Richard Lord Butler, Earl of Arran.
Sir Maurice Berkley, knight and baronet.

Borough of Taunton.

Sir William Portman, bar.
Sir William Windham, kn.

Borough of Bridgewater.

Edmond Windham, eſq;
Peregrine Palmer, eſq;

Borough

Borough of Minehead.
Sir Jo. Malet, knight.
Sir Hugh Windham, kn.
Borough of Ilcester.
Sir Edward Philips jun. Kt
Henry Dunster, Merchant.
Borough of Milborneport.
Francis Windham. esq;
Michael Mallet, esq;

Southampton.

Charles Lord St. John.
Sir. John Norton, bar.
City of Winchester.
Sir Robert Holmes, kt,
Lawrence Hide, esq;
Town of Southampton.
Sir Richard Ford, kn.
William Legg, esq;
Town of Portsmouth.
Richard Norton, esq;
Sir George Carteret, knight and baronet.

Borough

Borough of Yarmouth.

Richard Lucy, esq;
Edward Smith, esq;

Borough of Peterfield.

Tho. Neal, esq;
Arthur Bold, esq;

Borough of Newport, alias Medena.

William Glascock, esq;
Sir Will. Oglander, kt. and bar.

Borough of Stockbridge.

Sir Robert Howard, knight.
Robert Philips, esq;

Borough of Newtown.

Sir John Barrington, knight and baronet.
Sir Robert Worsley, kn. and bar.

Borough of Christchurch.

Humphry Weld, esq;
Henry Tulse, esq;

Borough of Whitchurch.

Henry Wallop, esq;
Giles Hungerford, esq;

Borough

Borough of Lymmington.
Sir William Lewis, bar.
Sir Nicholas Steward, bar.

Town of Andover.
John Collins, esq;
Sir John Trot. bar.

Stafford.
Sir Edward Littleton, bar.
Randolph Egerton, esq;

City of Litchfield.
Richard Dot, esq;
Sir Theophilus Bidolph, knight and baronet.

Borough of Stafford.
Robert Milward, esq;
William Chetwinde, esq;

Borough of Newcastle under Line.
Sir Cæsar Colclough, bar.
Edward Manwaring, esq;

Borough of Tamworth.
Charles Lord Clifford,
John Swintein, esq;

Suf-

Suffolk.

Sir Henry Felton, bar.
Sir Henry North, bar.

Borough of Ipſwich.

John Siclemore, eſq;
William Bloiſe ſen. eſq;

Borough of Dunwich.

Sir John Rous, bar.
Sir John Pettus knight.

Borough of Orford.

Sir Allen Broderick, knight.
Walter Devereux, eſq;

Borough of Aldborough.

Sir John Holland, bar.
Jo. Bence, eſq;

Borough of Sudbury.

Sir Robert Cordel, bar.
Thomas Walgrave, eſq;

Borough of Eye.

Sir George Reeve, kn. and bar.
Charles Cornwallis, eſq;

Borough

Borough of St. Edmonds-bury.
Sir John Duncomb, kn.
Sir Edmond Pooley, kn.

Surrey.

Sir Adam Brown, bar.
Sir Edmond Bowyer, kn.
Borough of Southwark.
Sir Thomas Bludworth, kn.
Sir Thomas Clarges, knight.
Borough of Blechingly.
Sir William Hayward, kn.
Sir Edward Bish, kn.
Borough of Rygate.
Roger James, esq;
Sir Edward Thurland, knight.
Borough of Guilford.
Arthur Onslow, esq;
Thomas Delmahoy, esq;
Borough of Gatton.
Thomas Turgis, esq;
Sir Nicholas Carew, kn.

Borough

Borough of Haſtemere.

George Evelyn, eſq;
Thomas Morrice, eſq;

Suſſex.

Sir John Pelham, bar.
Sir Will. Montrey, Knight of the Bath.

City of Chicheſter.

Sir Henry Peckham, Knight, Serjeant at Law.
William Garraway, eſq;

Borough of Horſham.

Sir John Covert, kn and bar.
Orlando Bridgeman, eſq;

Borough of Midhurſt.

Baptiſt May, eſq;
John Steward, eſq;

Borough of Lewis.

Sir John Stapley, kn. and bar.
Sir Thomas Woodcock, kn.

Borough of New-Shoreham.

Edward Blaker, eſq;
Jo. Fag, eſq;

Borough of Bramber.

Sir Cicil Bishop.
Peircy Goring, esq;

Borough of Steyning.

Sir John Fag, bar.
Henry Goring, esq;

Borough of East Grimstead.

Charles Lord Buckhurst.
Sir George Courthop, knight.

Borough of Arundel.

Roger, Earl of Orrory.
Francis, Lord Angier.

Warwick.

Sir Robert Holt, baronet.
Sir Henry Puckering, alias Newton.

City of Coventry.

Sir Clement Fisher, bar.
Thomas Flint, Serjeant at Law.

Borough of Warwick.

Sir Francis Compton, kn.
Foulk Greville, esq;

West-

Westmerland.

Sir Philip Musgrave, baronet.
Sir Thomas Strickland, kn.

Borough of Apulby.

Thomas Tufton, esq;
John Dalton, esq;

Wilts.

Henry Lord Cornbury.
Sir James Thinn, kn.

City of New Sarum.

Sir Stephen Fox, Knight.
Richard Coleman, esq;

Borough of Wilton.

Sir John Birkenhead, kn.
Sir Thomas Mompesson, kn.

Borough of Downton.

Jo. Ellyot, esq;
Giles Eyre, esq;

Borough of Hindon.

Edward Seymor, esq;
Sir Richard Grubham How, bar.

Borough of Westbury.

Richard Lewis, esq;
Thomas Wanklyn esq;

Borough of Hetsbury.

John Jolliffe, esq;
William Ash, esq;

Borough of Calne.

William Ducket, esq;
Jo. Kent, esq;

Borough of the Devises.

Edward Lewis, esq;
George Orlinson, esq;

Borough of Chippenham.

Sir Edward Hungerford, knight of the Bath.
Henry Baynton, esq;

Borough of Malmesbury.

Philip Howard, esq;
Sir Edward Pool, kt.

Borough of Cricklade.

Sir George Hungerford, Kn.
Sir John Earnely, Kn.

Borough

Borough of Great Bedwin.

John Trevor, eſq;
Henry Clerk, eſq;

Borough of Lugderſal.

William Aſhburnham, eſq;
Thomas Gray, eſquire.

Borough of Old Sarum.

Edward Nicholas, eſq;
Elias Hartey. eſquire.

Borough of Wootten Baſſet.

Sir Walter St. John, baronet.
John Pleydal, eſq;

Borough of Marleborough.

John Lord Seymour.
Jeoffery Daniel, eſq;

Worceſter.

Sir John Packington, baronet.
Samuel Sandys ſen. eſq;

City of Worceſter.

Sir Rowland Berkly, Kn.
Thomas Street, eſq;

Borough of Droitwich.

Henry Coventry, esq;
Samuel Sandys, jun. esq;

Borough of Evesham.

Sir John Harmer Kn.
Sir James Rushout, kn.

Borough of Beawdly.

Sir Henry Herbert, Kn.

York,

Conyers Darcy, esq;
Sir John Goodrick, Kn. and Bar.

City of York.

Sir Metcalf Robinson,
Sir Thomas Osborn, baronet.

Town of Kingston upon Hull,

Anthony Gilby, esq;
Andrew Marvel, Gent.

Borough of Knaersborough,

Sir John Talbot, Kn.
William Stockdale, esq;

Borough of Scarborough,

Sir Jordan Crosland, Kn.
William Thompson, esquire.

Borough

Borough of Rippon,
Sir Jo. Nicholas, Kt. of the Bath.
Thomas Burwell, Dr. of Laws.
Borough of Richmond,
Joſeph Cradock, Dr. of Laws.
Marmaduke Darcy, eſq;
Borough of Heydon,
Henry Guy, eſq;
Sir Hugh Bethel, Kn.
Borough of Burrowbridge,
Sir Rich. Maleverer, Kt. & Bar.
Robert Long, eſq;
Borough of Malton,
William Palmes, eſq;
Sir Thomas Gowre, Kn.
Borough of Thirske,
Sir Thomas Ingram, Kn.
Walter Strickland, eſq;
Borough of Aldborough,
Sir Soloman Swale, bar.
Sir Francis Goodrick, Kt.
Borough of Beverley.
Michael Wharton, Eſq;

Sir John Hotham, Bar.

Borough of North-Allerton.

Sir Gilbert Gerard, Knight and Baronet.

Roger Talbot, Esq;

Borough of Ponfract.

Sir John Dawny, Kt.

Sir William Lowther, Kt.

Barons of the Cinque-Ports.

Port of Haſtings.

Edward Walter, Esq;

Sir Denny Aſhburneham, Bar.

Town of Winchelſea.

Francis Finch, Esq;

Robert Auſtin, Gent.

Town of Rye.

Sir John Robinſon, Kt. and Bar.

Sir Jo. Auſtin, Baronet.

Port of New Rumney.

Sir Charles Sidley, Baronet.

Sir Norton Knatchbull, Bar.

Port

Port of Hyth.

John Harvey, Esq;
Sir Henry Wood, Kt. and Bar.

Port of Dover.

George Montague, Esq;

Port of Sandwich.

Jo. Strode, Esq;
James Thurbarne, Esq;

Port of Seaford.

Sir William Thomas, Kt. & Bar.

WALES.

Anglesey.

Nicholas Bagnall, Esq;

Town of Bewmorris.

John Robinson, Esq;

Brecon.

Edward Progers, Esq;

Town of Brecon.

Sir Herbert Price, Bar.

Cardigan.

Edward Vaughan, Esq;

Town of Cardigan.
Sir Charles Cotterel, Kt.

Carmarthen.
Sir Henry Vaughan, Kt.
Town of Carmarthen.
Sir John Vaughan, Knight of the Bath.

Carnarvon.
Sir Richard Wynne, Bar.
Town of Carnarvon.
William Griffith, Esq;

Denbigh.
John Wynne, Esq;
Town of Denbigh.
Sir John Salisbury, Bar.

Flint.
Sir Thomas Hanmer, Bar.
Town of Flint.
Roger Whitley, Esq;

Glamorgan.
Sir Edward Mansell, Baronet.
Town of Cardiffe.
Robert Thomas, Esq;

Meri-

Merioneth.

Henry Wynne, Esq;

Pembroke.

Arthur Owen, Esq;

Town of Haverford-West.

Sir Frederick Hyde, Kt.

Town of Pembroke.

Rowland Lagherne, Esq;

Montgomery.

Andrew Newport, Esq;

Town of Montgomery.

Henry Herbert, Esq;

Radnor.

Sir Richard Lloyd, Kt.

Town of Radnor.

Sir Edward Harley, Knight of the Bath.

Note that some Knights and Burgesses being lately deceased, others are not yet elected in their Room.

Of the Executive Power in Temporal matters.

A Brief account of the Legiſlative power in temporal affairs, having been given, next may be conſidered the Executive Power in thoſe affairs, and that is generally in the King, he is the Fountain of Juſtice; he is Lord Chief Juſtice of *England*; and therefore as all the Laws of *England* are called the Kings Laws, becauſe he is *Caput, Principium, & Finis Parlementi*, by which the Laws are made, and that nothing can have the Force of a Law, but what he wills; ſo all the Courts of Judicature are called the Kings Courts, and all the Judges

Judges of those Courts are called the Kings Judges.

The highest Court of Judicature in *England* is the House of Lords in Parlement; so that the Parlement is not only *Concilium*, but *Curia*, a Court of Judicature, consisting, as afore mentioned, of all the Lords spiritual and temporal, as Judges, and these assisted with the most grave and eminent Lawyers of *England* both in Common and Civil Law.

To the Judicature of this Supreme and most Honourable Court, all other Courts and Persons that are Subjects of *England* are subject and accountable for all Crimes not properly tryable, remediable, or punishable in other inferiour Courts of Justice; and to this Court

Court all last Appeals are to be made, and from whose Sentence there lies no Appeal but to a succeeding Parlement; and this supreme Judicatory or Judicial Power lyes only in the King and House of Lords; and at the Barr of this High Court may the House of Commons, as the Grand Inquest of the Nation, impeach the highest Subject of *England*, whether of the Clergy or of the Laity, and prosecute them till it come to a Sentence, after which there can be no farther proceeding, till the King informed of the whole matter, give his Royal Assent for the execution of the said Sentence, or grant his gracious Pardon.

In the late Long Parlement the House of Commons pretended to be also a Court of Judicature,

dicature, and at length uſurped a moſt exorbitant power to the total ruine of Monarchical Government, and it is worth obſerving by what Gradations they arrived thereto. In the time of Queen *Elizabeth*, and not before, the Commons began to take upon them (as ſaith Mr. *Pryn*, a learned Member of that Houſe) to ſeclude one another for undue Elections, whereas formerly the King and Lords were accounted the ſole Judges of all Members of the Commons Houſe, and to have the ſole power to judge of their undue Elections, Returns, Miſdemeanors, Breaches of Priviledges, and of all other matters concerning their Membership; alſo for freeing any Member from Arreſts or Impriſonments, did

did wholely and solely belong to the Lords, and not to the Commons, unless it were by special order referred by the Lords to the House of Commons, as heretofore sometimes hath been done.

In the time of King *Charles* the Martyr the Commons went farther, took upon them utterly to expel out of their House some of their fellow Members, as Projectors and Monopolizers, although they had been duly elected: After this in the same Kings time, they expelled all such as adhered in loyalty to the King; next they secluded and imprisoned all such as the Officers of the late rebellious Army impeach'd, or disliked, then by the help of that Army 50 or 60 of the Members of that

that Houſe expelled all the reſt of their fellows, and ſoon after voted down the King and whole Houſe of Lords, and voted themſelves to be the Parlement, to be the ſole Legiſlators and the Supreme Authority of *England*. Into ſuch a prodigious height of folly and impiety do men run, when they once allow themſelves to paſs their due limits.

Of the Court of Juſtice called the Kings-Bench.

FOr the execution of Laws, after the Houſe of Lords in Parlement, the higheſt Court in England is the Kings Bench ſo called, becauſe anciently the King

King sometimes there sate in person on a high Bench, and his Judges on a low Bench at his Feet, to whom the Iudicature belongs in the absence of the King.

In this Court are handled the Pleas of the Crown, all things that concern loss of life or member of any Subject; for then the King is concerned, because the life and limbs of the Subject belong only to the King, so that the Pleas here are between the King and the Subject. Here are also handled all Treasons, Felonies, Breach of Peace, Oppression, Misgovernment, &c. This Court moreover hath power to examine and correct all Errors *in facto & in jure* of all the Iudges and Iustices of *England* in their Iudgements and Proceedings,

ceedings, and this not only in Pleas of the Crown, but in all Pleas real, perſonal and mixt, except only in the Exchequer.

In this High Court ſit commonly four grave reverend Iudges, whereof the firſt is ſtiled the Lord Chief Iuſtice of the Kings Bench, and is created not by Patent, but by a ſhort Writ, thus, *Johanni Keeling Militi ſalutem. Sciatis quòd conſtituimus vos Juſticiarium noſtrum Capitalem ad placita coram nobis tenenda, durante beneplacito noſtro. Teſte meipſo apud Weſtm.*

The reſt of the Iudges of the Kings Bench hold their places by Letters Patents in theſe words, *Rex omnibus ad quos præſentes literæ pervenerint ſalutem. Sciatis quod conſtituimus dilectum*

tum & fidelem Richardum Rainsford Militem, unum Justiciariorum ad placita coram nobis tenenda, durante beneplacito nostro. Teste, &c.

These Iudges and all the Officers belonging to this Court have all Salaries from the King, and the chief of them have Robes and Liveries out of the great Wardrobe.

In this Court all young Lawyers that have been called to the Barre are allowed to plead and practice.

This Court may grant Prohibitions to keep other Courts, both Ecclesiastical and Temporal within their Bounds and due Iurisdiction.

The Iurisdiction of this Court is general, and extendeth to all *England*, is more uncontroulable

troulable than any other Court; for the Law presumes that the King is alwayes there in person.

None may be Iudge in this Court, unless he be a Serjeant of the Degree of the Coif, that is a Serjeant at Law, who upon taking this high Degree is obliged to wear a Lawn Coif under his Cap for ever after.

A List of the several Officers belonging to His Majesties Court of Kings-Bench.

LOrd Chief Justice Sir *John Keeling* Kt.

Justices are Sir *Thomas Twisden*, Knight and Baronet; Sir *Richard Rainsford* Knight; Sir *William Morton*, Kt.

Clerk

Clerk of the Crown, Sir *Thomas Fanshaw* Kt. his Secondary *Jasper Waterhouse*, Esq;

Protonotary, Sir *Robert Henly* Kt. his Secondary *William Livesay*, Esq;

Marshall or Keeper of the Kings Bench Prison, *Stephen Mosedell* Esq;

Custos Brevium, *Justinian Paget* Esq;

Andrew Pridean, and *Francis Woodward* Clerks of the Paper-Office.

Sealer of the Writs, *Edward Coleman*.

Gilbert Barrel Clerk of the Rules.

Clerk of the Errors, *Henry Feild*.

George Bradford Clerk for Filing Declarations, a Cryer, Porter, and some other interiour Officers.

Then

Then there are Filacers for the ſeveral Counties of *England*, whoſe office is in this Court to make out all Proceſs upon original Writs, as well real as perſonal, and mixt. They were lately theſe that follow:

Humphry Ironmonger, Edward Parnel, James Buck, Samuel Aſtrey, Francis Grego, John Hynde, Thomas, Stone, Thomas Leach, Gilbert Eveleigh, Henry Ewin, Joſhua Langrige, William Oglethorp, John Philipps, William Osborn, Rob. Hyde, and *Anthony Rouſe.*

The manner of Tryals in this and all other Common Law Courts in *England*, being different from that of all other Countries and peculiar to *England*, ſhall be at large deſcribed apart

apart in a Chapter with other peculiars.

Of the Court of Common-Pleas.

THe next Court for execution of Laws is the Court of Common-Pleas, ſo called, becauſe there are debated the uſual Pleas between Subject and Subject. Some ſay this Court as well as other Courts, were at firſt held in the Kings Houſe whereſoever he reſided; but by the Statute of *Magna Charta* it was ordained, that this Court ſhould not be ambulatory, but be held at a certain place, and that hath ever ſince been in *Weſtminſter-Hall*.

None

None but Serjeants at Law may plead in this Court, and ſo many of them as the King ſhall appoint, are bound by oath to aſſiſt all that have any Cauſe depending in that Court.

This Court may grant Prohibitions, as the Court of the Kings-Bench doth.

The chief Judge in this Court is called the Lord Chief Juſtice of the Common-Pleas, or of the Common-Bench; holdeth his place by Letters Patent *durante beneplacito*, and ſo do the other inferiour Judges of this Court whereof there are commonly three.

In this Court all Civil Cauſes Real and Perſonal are uſually tryed according to the ſtrict rule of the Law.

Real Actions are pleadable in

no other Court, nor Fines levyed, or Recoveries suffered but only in this Court at *Westminster*.

The King allows to the Lord Chief Justice of this Court a Fee, Reward, Robes, and two Tun of Wine, as is done to the Lord Chief Justice of the other Bench: also to the other Judges of this Court, and to four Serjeants, is allowed Fees, Reward, and Robes to each one.

In the 11*th* and 12*th* of *Ed.* 3. there were eight Judges belonging to the Common-pleas, at other times seven, six, and five; and so in the time of *H.* 6. and *Ed.* 4. but since usually but four, as at this day.

Before the Reign of Queen *Mary*, these, and the rest of the twelve Judges rode upon Mules, and

and not upon Horſes, as they now do, in great ſtate at the beginning of the Term.

A Liſt of the ſeveral Officers belonging to his Majeſties Court of Common-pleas.

LOrd Chief Juſtice Sir *John Vaughan*, Kt. Sir *Thomas Tyrrel*, Kt. Sir *John Archer*, Kt. Sir *William Wylde*, Kt. and Bar. Theſe are the preſent Judges of that Tribunal.

Then there is an Officer called *Cuſtos Brevium*, whoſe Office it is to receive and keep all Writs retornable in that Court, to receive of the Protonotaries all the Records of *Niſi Prius* called *Poſtea's*. He holdeth his Place by Patent from the King, and hath the Gift of the ſecond

Protonotary's Place, and of the Clerk of the Juries. Sir *Joseph Ash* hath this Office, and doth execute it by his Deputy Mr. *Thursby*.

There are three Protonotaries, a word compounded of Greek and Latin (which with the Antients was usual) and signifies the first Notaries: they are chief Clerks of this Court, and by their Office are to enter and inroll all Declarations, Pleadings, Assises, Iudgements, and Actions, to make out Iudicial Writs, &c. These considerable Offices are in the hands of *Thomas Robinson*, *Alan Lockhart*, and *Humphrey Virley*, Esquires. The Chirographer (also from two Greek words signifying to acknowledge a Debt by setting ones hand) is an Officer who ingros-

ingroſſeth Fines acknowledged, &c. He holdeth his Place alſo by Patent, and is at preſent Mr. *Sparks* in truſt for Sir *William Drake*, who doth execute it by a Deputy Mr. *Wayt*.

All theſe Officers afore mentioned ſit in the Court covered with black round knit Caps, according to the mode immediately before the invention of Hats, which was ſince the beginning of the Reign of Queen *Elizabeth*. Moreover they are all ſworn, and have their Offices for life as a Freehold.

There are in this Court 3 Officers unſworn, and hold their Places *durante beneplacito*; 1. Clerk of the Treaſury, *George Ingram*, who hath the charge of keeping the Records of this Court, and makes out all Records of *Niſi*

Prius, and divers other things. This Office is in the Gift of the Lord Chief Iuſtice. 2. Clerk of the Inrolments of Fines and Recoveries, who is by Statute under the three puiſne Iudges of this Court, and removeable at their pleaſure. Note that the Inrolment of Fines and Recoveries, or any part thereof by *Stat.* 23 *Eliz. cap.* 3. is of as good force and vaiidity in Law to all intents and purpoſes, for ſo much of any of them ſo inrolled, as the ſame being extant and remaining, were or ought by Law to be : The general neglect whereof in this Kingdom hath occaſioned many Law Suits, and hath proved in proceſs of time exceeding dangerous to many mens Eſtates. 3. The Clerk of the Outlawries,

ries, who makes out the Writs of *Capias Utlagatum*, after the Outlawry in the name of the Kings Atturny, whose Deputy he is *pro tempore*.

There are five Clerks more, 1. Clerk of the Kings Silver, *Henry Nurse*, unto whom every Fine or Final Agreement in sale of Lands is brought after it hath been with the *Custos Brevium*, and to whom money is paid for the Kings use, 2. Clerk of the Warrants, *Thomas Brown*, executed by a Deputy *James Mayo*, who entreth all VVarrants of Atturney for Plaintiff & Defendant. 3. Clerk of the Iuries, *John Green*, who makes out the VVrits called *Habeas Corpora* and *Distringas* for appearance of the Iury either in this Court, or at the

Assises in the Country. 4 Clerk of the Essoins or Excuses for lawful cause of absence, Mr. *Townly*. 5. Clerk of the *Superſedeas*, Mr. *Abbot*, which is held by Patent.

In this Court are also Filazers for the several Counties of *England*, so called from the French *Fil*, a Thred, because they file their Writs. These make out all Process upon Original Writs, and do many other things too long to be here set down; of these there are 14. *viz.* *Fabian Philipps* Esquire, who hath *London*, *Middlesex*, *Huntington*, and *Cambridge* Shires. The rest of the Counties are divided amongst these that follow, Sir *Roger Hill*, *Henry Dutton*, *Spicer*, *Grey*, *Fr. Hill*, *Robert Child*, *Charles Clare*, Sir *Tho-*

Thomas Stringer, *Thomas Child*, *Bennet*, *Mark Hildesley*, *Herbert Matthews*, and *Hughes*, who is Protonotary Filazer and Exigenter of *Monmouth* by Patent, the rest in the Gift of the Lord Chief Iustice, and hold for life.

There are also four Exigenters, whose Office it is to make all Exigents and Proclamations in all Actions where Process of Outlawry doth lye. This Writ is called an Exigent, because it exacteth the Party, that is, requireth his appearance to answer the Law, and lies against a Transgressor of the Law that cannot be found, nor any of his Goods within the County; so that after summons by the Sheriff at five several County Courts, if he appear not he is outlawed. The four Exgenters

at present are *John Dawling*, *William Petty*, *Charles Clare*, and *Silvester Petty*, all in the Gift of the Lord Chief Iustice, and are for life.

There are also belonging to this Court four Cryers and a Porter.

Of the Court called the Exchequer.

THe next Court for Execution of Laws is that called the Exchequer, so called, as some think, from a chequer-wrought Carpet, covering the Great Table in that Court, as the Court of Green Cloth in the KingsHouse is so called from the Green Carpet. Here are tried all Causes

Canſes which belong to the Kings Treaſury or Revenue, as touching Accounts, Diſburſements, Cuſtomes, and all Fines impoſed upon any man. In this Court may ſit the Lord Treaſurer, the Chancellor of the Exchequer, the Lord Chief Baron, and three other Judges called Barons of the Exchequer; but the two firſt ſeldom ſit, and the four laſt ſeldom fail. The firſt of theſe four is the principal Judge of this Court, and anſwers the Bar, or the Barriſters and Pleaders. He doth take Recognizances for the Kings Debts, &c. The next of the four Barons in the abſence of the firſt ſupplies his place, and the third Baron doth the like in the abſence of the two firſt; but the fourth Baron is ſaid to be a Curſitor

ſitor of the Court, and adminiſters the Oathes to the Sherifs, Underſheriffs, Bailiffs, Searchers, Surveyors, &c. of the Cuſtomhouſe.

In the Exchequer are held two Courts, one of Law, another of Equity.

All Judicial Proceedings according to law are *coram Baronibus*; but the Court of Equity held in the Exchequer Chamber is *coram Theſaurario, Cancellario, & Baronibus*.

The Authority of this Court is of original juriſdiction without any Commiſſion.

Note alſo that all the other forementioned Courts were not inſtituted by any Statute or written Law, but have their original from the antient Cuſtom of the Kingdom.

For

For a long time after the Conqueſt there ſate in the Exchequer both ſpiritual and temparal Barons of the Realm, and in later times there ſate in their places others that were not Peers of the Realm, yet ſtiled Barons, *quia ibi ſedere ſolebant Barones.*

All the Twelve Judges belonging to theſe High Tribunals ſit in Robes and ſquare Caps, like thoſe of Doctors of Divinity, becauſe (as ſome ſay) they were antiently moſt commonly Clergy-men and Doctors, Biſhops or Prelates.

A List of the several Officers belonging to His Majesties Court of Exchequer.

In the Upper Exchequer.

THe Kings Remembrancer *Thomas* L. Vicount *Fanshaw*, in whose office are 8 sworn Clerks, whereof *John Payn* and *Thomas Hall* Esquires, at present are the two Secondaries; the rest are *Ansel Beaumont*, *Hugh Frankland*, *Butler Buggin*, *George Wats*, *Nicholas Sanders*, *&c.*

In this Office pass all the Accounts concerning the Kings Revenue, for Customs, Excise, Hearth-money, Subsidies, and all Ayds granted to the King in Parlement, and all other Accounts of what nature soever con-

concerning the Kings Revenue either certain or casual. All Securities either by Bond or Recognizances to the Kings Majesty for any of his Debts are taken here. All proceedings upon any Statute by Information for Custom, Excises, or any other penal Law. All Proceedings upon the said Bonds or Recognizances, or any other Bonds taken in the Kings name by Officers appointed thereunto under the Great Seal of *England*, and transmitted into this Office for recovery thereof. From hence issue forth Process to cause all Accountants to come in and account. In the Court of Exchequer there being a Court of Equity, all Proceedings touching the same are in this Office, with many other things

things concerning the Kings Revenue. This Office is the Kings Gift.

Next is the Lord Treasurers Remembrancer, *John Osborn* Esquire, whose Office is to make Process against all Sheriffs, Receivers, Bailiffs, &c. for their Accounts, and many other things of moment. In this Office there were heretofore twelve sworn Clerks, whereof the two first were called Secondaries; but since the Tenures were taken away the said Office is declined, and the number of Clerks deminished. This Office also is in the Kings Gift.

Clerk of the Pipe is Sir *Robert Crook* Knight, who hath all the Accounts and Debts due to the King, drawn down out of the Remembrancers Office, and char-

chargeth them down in the Great Roll or Pipe, and therefore probably was it called the Pipe Office. He hath under him eight ſworn Clerks, *William Burnet* Eſq; chief Secondary, *Nicholas Highmore, Will. Satterthwayte*, *Burnet* junior, *Caryl*, *&c.* Here alſo Accountants have their *Quietus eſt*, and here are made Leaſes of extended Lands.

Comptroller of the Pipe, *Brewſter* Eſq; who writeth out Summons twice every year to the High Sheriffs, to levy the Farms and Debts of the Pipe: he alſo keepeth a Controllment of the Pipe, that is, keepeth a Roll of the Pipe Office Accounts, whereby to diſcover any thing that ſhall be amiſs.

Clerk of the Pleas is *Richard Bereſ-*

Beresford Esq; in whose Office all the Officers of the *Exchequer* and other Priviledged Persons, as Debtors to the King, &c. are to have their Priviledge to plead and be impleaded, as to all matters at the Common Law. And the Proceedings are accordingly by Declarations, Pleas and Tryals as at the Common Law, because they should not be drawn out of their own Court, where their attendance is required.

Forren *Opposer* is *Charles Whitaker*, esq; whose Office is, whereunto all Sheriffs repair, to be by him opposed of their *Green wax*, and from thence is drawn down a Charge upon the Sheriff, to the Clark of the Pipe.

Clark of the *Estreats*,

Wil-

Williams, esq; whose office is to receive, every Term, the Estreats or Extracts out of the Office of the *Remembrancer* of the Lord Treasurer; and to write them out, to be levied for the King also, to make Schedules for such Sums, as are to be discharged.

Auditors of the Impreſt, *Bartholomew Beal*, and *Robert Wylde* Esquires who *audit* all the great Accounts of the Kings Revenues of Lands, Honours, Mannours, *&c.*

Auditors of the Revenue, there are seven: Sir *Edmund Sawyer*, Knight. *John Philips*, esq; Sir *Ioseph Seymour*, Knight. *Aldworth*, *Parsons*, *Morice*, Esq^rs. and Sir *William Godolphin*, Kt. These *audit* all the Accounts of the Kings other Revenue, that ari-

ariſeth by *Aydes* granted in Parlement.

Remembrancer of Firſt Fruits and Tenths, *Iames Roger* eſq; whoſe Deputyes *George Farrington*, and *William Prettyman*, take all Compoſitions for firſt Fruits and Tenths, and make proceſs againſt ſuch as pay not the ſame.

There are alſo divers other Officers, as Clerk of the Parcels, Clerk of the Nichils, Marſhals, Uſher of the Exchequer, whoſe Office is executed by a Deputy, alſo 4 under Uſhers.

Of

Of the other part of the Exchequer, called by ſome the Lower Exchequer, where the Kings Revenue is received and diſburſed, with admirable Order and Frugality.

THe Principal Officer is the Lord *Treaſurer*, of whom *See the Firſt Part of the Preſ. State of* England.

Since the Death of the Earl of *Southampton*, 1667. This Great Office hath been in the hands of five Commiſſioners: Now there are but three Commiſſioners, The Lord *Aſhley*, Sir

Sir *Thomas Clifford*, and Sir *John Duncomb*, who execute the same at *Whitehall*. They have each one a considerable *Salary* from the King. There is one Secretary, Sir *George Downing*, Kt. and Bar.

Next is the Chancellour of the *Exchequer*, who is also an Officer of great Account and Authority, he hath a principal power not onely in the Exchequer Court, but also here in the managing and disposing of the Kings Revenue: he hath also the Custody of the Exchequer Seal. This Office is injoyed by the forementioned Lord *Ashly*.

Then there are two Chamberlaines of the *Exchequer*, Sir *Nicholas Steward*, and Mr. *Hyldyard*, in whose Custody are all An-

Antient Records, Leagues and Treaties with forreign Princes, the Standards of Moneyes, Weights and Measures, those antient famous Books, called Doomes-day, and the Black-book of the *Exchequer*, whereof the former is *Liber Censualis totius Angliæ*, the Tax book of *England*, made by *William* the Conquerour, wherein is described all the Lands of *England*, with the true value, and their Owners name, it was five years in making, and called at first *Rotulus Wintoniæ*, but since named *Doomes day Book* because therein was set down an exact Account not onely of all the Cities, Towns, and Villages of *England*, but the number of families of Men, Souldiers, Husbandmen, Bondmen, Servants, Cattel

cattle; how much mony, what Rent, how much meadow, pasture, Woods, Tillage, Common, Marsh, Heath, every one possessed: and when any one was cited, or any difference arose about those things or Taxes, *&c.* there was no place for denying or deceiving the King (whereof many men ever made little Conscience, though all good *Christians* ever counted it a grievous and hainous sin) when this Book was opened, like as it will be at the opening of the Book at the great Day of *Doom*, or general Judgment of the World. This Book is kept under three Locks and Keys not to be lookt into under 6 s. 8 d. and for every line transcribed is to be paid 4d.

Next is the *Auditour* of the Re-

Receipts, Sir *Robert Long*, whose Office is to file the Bills of the Tellers, whereby they charge themselves with all moneys received, and to draw all Orders to be signed by the Commissioners of the Treasury, for issuing forth all moneys by virtue of Privy Seals, which are recorded and lodged in his Office. He also makes Debenturs to the several Persons, who have Fees, Annuities, or Pensions by Letters Patents from the King out of the Exchequer, and directs them for payment to the Tellers. He receives every week the state of the account of each Teller, and also weekly certifies the whole to the Commissioners of the Treasury, who immediately present the estimate or Ballance to the King.

He takes the Tellers Accounts in groſs at *Eaſter* and *Michaelmas*. By him are kept the ſeveral Regiſters appointed for paying all perſons in courſe upon ſeveral Branches of the Kings Revenue. He is *Scriptor Taliarum*, hath five Clerks to manage the whole eſtate of Moneys received disburſed, and remaining.

Next there are four Tellers, *Laurence Squib*, *John Loving* Eſquires, Sir *George Downing* afore mentioned, and Sir *William Doily* Kt. Their Office is to receive all moneys due to the King; and thereupon to throw down a *Bill* through a Pipe into the Tally Court, where it is received by the Auditors, who there attend to write the words of the ſaid Bill upon a Tally, and

and then deliver the ſame to be entred by the Clerk of the Pells, or his under Clerk, who there attends to enter it in his Book: then the Tally is cloven by the two Deputy Chamberlains, who have there their Seals, and while the ſenior Deputy reads one part, the junior examines the other part with the other two Clerks.

Clerk of the Pells is *William Wardour* Eſquire, whoſe Office is to enter every Tellers Bill into a Parchment skin, (in Latin *Pellis*, whence this Office hath its name,) all receipts and payments for the King, for what cauſe, or by whom ſoever, and is in nature of a Controller, hath four Clerks, whereof one is for the *Introitus*, and another for the *Exitus*. Moreover he is

to make weekly, and half yearly Books, both of the Receipts and Payments, which are delivered to the Commissioners of the Treasury.

In the Tally Court sit the Deputies of the two Chamberlains *Edward Faulconbridge* and *John Low* Esquires, who cleave the Tallies, and examine each piece a-part.

A Tally in the Exchequer from the French Verb *Tailler*, to cut, is a very antient and most certain way of avoiding all cozenage in the Kings Revenue; the like no where else in Christendom, and is after this manner.

He that payes the King any moneys, receives for his Acquittance a Tally, that is, the one half of a stick cloven with certain

certain proportionable Notches thereon, expreſſive of the ſum from the ſaid Deputy-Chamberlains, who keep the other cloven part of the ſtick called the Foyl, and deliver it to the Tally-Joyners on the other ſide of the Exchequer, who are alſo Deputies to the Chamberlains, and they joyn it with the Foyl, which agreeing, they give it their Teſt, and ſend it by an Officer of their own to the Auditor, and thence to the Pipe with their Account where they have their *Quietus eſt* engroſſed in Parchment.

Other Officers in the Exchequer are the two Uſhers, *Robert* and *Philip Packer* Eſquires, whoſe Office is to take care to ſecure the Exchequer by day and by night, and all the Ave-

nues leading to the ſame, and to furniſh all neceſſaries, as Books, Papers, &c.

There is alſo a Tally Cutter, and four Meſſengers.]

By long continuance, and the wiſeſt contrivances that the ableſt men of many ages could invent, the Exchequer of the King of *England* is become the beſt ordered publick Revenue in the world.

Though the number of Officers in the Exchequer is far greater than in any other of the Kings Courts, yet not near ſo great as the Financiers and other Officers belonging to the Revenues of the French King, who are ſo many, that their Fees eat up 3 parts in 4 of the whole Revenue: whereas for rewarding all the Officers in the Engliſh

liſh Exchequer, whereof moſt are ever perſons of Eſtates, Parts, and great Integrity, it coſts the King a very inconſiderable ſum of money, as will eaſily appear to any one who ſhall conſider that in caſe of a gift from the King of Moneys or Penſion out of his Exchequer, he that receives it pays but 5 *l.* *per cent.* amongſt the Tellers, Auditors, Clerk of the Pells, and their Clerks, and to all other Officers whatſoever; and which is remarkable, there goes not amongſt the ſaid Officers and Clerks ſo much as 5 *s.* *per cent.* out of publick Payments, as for the Navy, Ordnance, Wardrobe, Mint, to the Cofferer, Treaſurer of the Chamber, &c.

In caſe of moneys paid in by any of the Kings Tenants, or

Receivers, it coſts them ſometimes but ſix pence, and at moſt but 3 *s.* for every payment under a thouſand pounds; andthat goes only to the Clerks for their pains in writing and attending.

The bringing in of all moneys to the King coſts his Majeſty amongſt Receivers, Collectors, and all others in the Country not above 2 *s.* in the pound; and at his Exchequer it coſts him nothing at all; for the Tellers, who are bound to the King in 20000 *l* ſecurity, for the true diſcharge of their great truſts, have under 33 *l. per an.* for their Salary from the King, and the two Clerks of each Teller, who conſtantly attend their Offices, have nothing at all from the King.

The Court of the Dutchy of Lancaster.

THere is another Court at *Westminster*, called the Court of the Dutchy of *Lancaster*, which takes Cognizance of all Causes that anyway concern the revenue belonging to that Dutchy which hath been long since annext to the Crown.

The chief Judg of this Court is the Chancellor of the Dutchy, who is assisted by the Atturney of the Dutchy. There are divers other Officers of this Court, a list of whose names here follow.

Sir *Thomas Ingram*, Chancellour, and one of His Majesties most

most honourable Privy Council. Sir *John Heath*, Atturney general. Sir *John Curzon*, Receiver general: Sir *Thomas Trevor*, Knight of the Bath, and *John Fanshaw*, esq; Auditors. Sir *Gilbert Gerard*, Clerk of the Dutchy; *Thomas Desborough*, Messenger: This Court is kept at *Westminster* by the Lower Exchequer, and the Office of Sir *Gilbart Gerard* at *Grays Inn*.

Of the High Court of Chancery.

NExt to the Kings Bench in *Westminster* Hall, is wisely placed this High Court, to mitigate the Rigour of that: it is called *Curia Cancellariæ*, as some judge

judge, becauſe the judge of this Court ſate antiently *intra Cancellos* or *Lattices*, as the Eaſt end of our Churches being ſeparated *per cancellos* from the body of the Church, as peculiarly belonging to the Prieſt, were thence called Chancels.

This Court is the *Officina Juſtitiæ*, the Womb of all our Fundamental Laws, the Fountain of all our proceedings in Law, the Original of all other Courts. It is as antient as the Civility of the Nation, though perhaps by another name.

This Court proceeds either ordinarily, according to the Laws, Statutes and Cuſtomes of the Nation, and in Latin: granting out Writs remedial, or elſe according to Equity and Conſcience, and by Engliſh Bill,

ſo

so that the Chancery hath two Courts in one, the equitable part, is by Bills, Answers and Decrees to examine Frauds, Combinations, Trusts, secret Uses, &c. to moderate the Rigour of the Laws, and rescue men out of the hands of their Oppressors. To relieve a man, especially in three things, *viz.* against Cheats, unfortunate accidents and breaches of Trust.

This Court is ever open, can grant a *Habeas Corpus* in Vacation time, to one wrongfully imprisoned and do him justice.

Out of this Court issue out Writs or Summons for Parlements, Edicts, Proclamations, Charters, Protections, safe Conducts, Writs of Moderata Misericordia, when any person hath been

been amerced too high and for a reasonable part of Goods for Widdows and Orphans, Patents for Sheriffs, Writs for *Certiorari* to remove Records, and false Judgments in Inferiour Courts, Writs of *Audita Querela*, and *Scire facias*, Here are sealed and inrolled Letters Patent, Treaties and Leagues with forreign Princes, Deeds betwixt Party and Party touching their Lands, Estates or Purchasers taking recognizances and making of Extents upon Statutes and Recognizances for payment of Monys or securing of Contracts. Writs Remedial or Magisterial, Commissions of Appeal, Oyer and Termine, &c. The Court of Common Pleas which are betwixt subject and subject, hath its Original and Commissions from

from the Chancery, and cannot hold Pleas without it.

For the Latin part of this Court, are the 24 Cursitors: and for the English part, are the six Clerks.

The Court of *Equity* that proceeds not according to Law, is no Court of Record, and therefore binds onely the Person, not his Lands or Goods.

The Judge of this Court is the Lord Chancellour, or Lord Keeper of the Great Seal of *England*. He is here the Sole Judge, whereas in other Courts there are three or four Judges, but he may and doth often in cases of greater weight and difficulty, in cases of Law, call some of the other Iudges to his assistance: and therefore it is said, This office may be discharged by

by one that is no profeſſed Lawyer, as it was of later times by Sir *Chriſtopher Hatton*, and after by Doctor *VVilliams* Biſhop of *Lincoln*, to their great praiſe and commendation.

It is the higheſt Dignity in *England* that a Lay-man is capable of, it is *Summum ambientis animi quaſi Solſtitium*, and the Chancellor is *Magiſtratuum omnium Antiſtes*.

Antiently, the Lord Chancellor had ſometimes his Vice-chancellour, commonly called Keeper of the Great Seal, but of later times they differ onely in name.

In *France*, he that is made Chancellour is *durante vitâ*, his place cannot be taken away, although the Seales may. It is ſaid there, that he is ſo to attend

to

to the sole Interest of the King and People, that he must not be sensible of any Relations or other consideration, and therefore he may not put himself in mourning, neither for his own Father, nor for the King himself.

Chancellours have been in *England*, as the learned *Dugdale* findes, as soon as Christianity was embraced by the *Saxons*.

The Chancellor is said to be keeper of the Kings Conscience, to judge *secundum æquum & bonum*, according to equity and conscience, he is to moderate the τὸ ἀκριβοδίκαιον the exact rigour and letter of the Law whereunto other Iudges are strictly tyed: for the Princes of this Realm, in Imitation of the King

King of Kings governing the world by juſtice and mercy, have erected two ſupreme Tribunals together, at the upper end of *Weſtminſter*-Hall, one of Juſtice, wherein nothing but the ſtrict Letter of the Law is obſerved, and the other of Mercy, wherein the Rigour of the Law is tempered with the ſweetneſs of Equity, which is nothing elſe but Mercy qualifying the Sharpneſs of Juſtice.

This Court being a Court of Conſcience, the leſs it is perplexed with the quirks of Lawyers, the more it is guided by Conſcience and Equity, and therefore the Kings of *England* would have this Court ſuperiour to the other Tribunals that ſo if any thing was done amiſs by thoſe following the Rigour of the Law

Law, here by good Conſcience and Equity, it might be amended: Wherein they followed the noble Pattern of the Great *Conſtantine*, *qui omnes ſuas leges imperfectas eſſe voluit ut inde ſubditi ſui appellarent ad Epiſcopos*, and therefore in all former times, the Judges of this Court were choſen out of the Clergy, able Divines, who by their skill in the Law of God, and of Nations, were beſt able to judg according to Moderation and Equity, and moſt willing to execute accordingly: alſo fitteſt to diſpoſe of the Kings ſpiritual Benefices.

Beſides, when this High Office was given to Biſhops and Clergy men, in whom wealth and a publick Spirit being uſually conjoyned, what great pub-

lick

lick Acts of Piety and Charity were done by them for this Nation? to mention onely in *Oxford*, What noble and rich foundations are *Christ-church*, *Magdalens*, *New Colledge*, and *Merton Colledge*? all founded by Bishops that were Chancellors: and on the contrary, since the places of Chancellor, Treasurer, Privy Seal, *&c.* have been usually in the Hands of Lay-men, what one great work hath been done for the Publick, but onely wealth heaped up for their own private Families.

The manner of Proceeding in this Court, is much like that in the Courts of the Civil Law, the Actions by Bill or Plaint, the Witnesses examined in private, the Decrees in English or Latin, not in French. No Jury of twelve

twelve men, but all ſentences given by the Judge of the Court.

The Chancellor or Lord Keeper hath twelve Coadjudices or Aſſiſtants, antiently called *Clerici*, or *Magiſtri Cancellariæ*, becauſe they were uſually in Holy Orders, and Doctors of Laws, for Maſter and Doctor was antiently the ſame, as at this day, a Doctor in the Arts, is called *Magiſter in Artibus*.

The firſt of theſe is called *Maſter of the Rolls*, a place of great dignity, and is in the gift of the King, and this Officer hath, *jure Officii*, the gift of thoſe conſiderable Offices of the ſix Clarks in *Chancery*, hath the keeping of the Rolls, hath the Houſe of the converted Jews now called the Rolls, and in the ab-

abſence of the Chancellor heareth Cauſes and makes Orders.

The Maſter of the Rolls, and ſix Clerks of the Chancery, by the antient cuſtom of the Clerks of the Kings Chappel were not to marry.

One reaſon why the Maſters of Chancery were ever Civilians, may be, becauſe for all caſes almoſt imaginable, ſome Law or Caſe conformable thereunto may be fetched by a good Civilian out of that Law of Laws called the Civil Law. Another may be, becauſe the Chancery more antient then any other Court of *England* (for all Original Writs and Commiſſions whereupon the other Courts do ground all their proceedings do come from thence) hath probably

bably been taken from the Civil Law, divers points of proceedings not used in Common Law Courts, as the Defendants answering to the Bill and sometimes to the Interrogatories upon Oath, though to the accusing of a mans self, in divers matters criminal, dammageable, and penal; also by the whole manner of publication, the depositons of Witnesses, by the examining of witnesses upon Interrogatories and *in perpetuam rei memoriam*, by the terme and use of final Decree, and many other points differing from the Common Law, and wholly agreeing with the Civil Law.

This Court is alwayes open, when all the others are shut, but onely in Term time; so that if a man be wrongfully imprisoned, in

in the Vacation time out of Term, the Lord Chancellour may grant his Writ of *Habeas Corpus*, and do him justice according to Law; So likewise may this Court grant Prohibitions in time of Vacation, as well as in Term time.

A list of the several Officers belonging to the High Court of Chancery.

SIR *Orlando Bridgman*, Lord Keeper of the Great Seal of *England*.

Sir *Harbottle Grimstone*, Baronet.

Sir *William Childe*, Kt. Doctor of Laws.

Sir *Justinian Lewen*, Knight, Doctor of Laws.

Sir *Thomas Escourt*, Knight.

Sir

Sir *Mundeford Bramston*, Kt. Doctor of Laws.

Sir *Nathanael Hobart*, Knight.

Sir *William Glascock*, Knight.

Sir *Walter Littleton*, Knight, Doctor of Laws.

Sir *John Coel*, Knight.

Sir *Thomas Croft* Kt. Doctor of Laws.

Sir *Robert Stewart*, Kt.

Sir *Timothy Baldwin*, Kt. Doctor of Laws.

These Twelve are called Masters of the *Chancery*, and were antiently all in Holy Orders, and most of them Civil Lawyers.

The first of these is Master of the Rolls, whose Office is granted by the King, either for life or during pleasure.

The House founded at first for the Converted *Jews*, was after their

their expulsion out of *England*, annext to his Office, where he hath the Custody of all Charters, Patents, Commissions, Deeds, Recognisances, which being made up in Rolls of Parchment gave occasion of the Name.

At present there are kept all the Rolls since the beginning of *Hen.* 7. the rest are kept in the Tower of *London*.

In the absence of the Lord Keeper he heareth Causes and gives Orders.

In his gift are the six Clerks Offices. Examiners and three Master Clerks of the Pettibag.

Clerk of the Crown, is *Henry Barker*, Esq; This Office is of high importance; he is either by himself or Deputy continually to attend the Keeper of the

Great Seal for ſpecial matters of State, and hath a place in the Higher Houſe of Parlament.

Protonotary of this Court is *Robert Peſcod*, eſq; This Office is chiefly to expedite Commiſſions for Embaſſies.

It is executed by a Deputy.

Clerk of the *Hamper* or *Hannaper*, ſometimes ſtiled Warden of the *Hanaper*. Whoſe Office is to receive all the Money due to the King for the Seales of Charters, Patents, Commiſsions and Writs. and to attend the Keeper of the Seal daily in Term time, and at all times of Sealing, with leather baggs now (but antiently probably with Hampers) wherein are put all ſealed Charters

ters, Patents, *&c.* and then those Bags delivered to the Comptroller of the *Hamper*. This Office is now enjoyed by *Henry Seymer* esq; and executed by a Deputy.

Warden of the *Fleet*, or Keeper of the *Fleet*-Prison, is an Office very considerable and is to take care of the Prisoners there, who are commonly such as are sent thither from this Court for contempt to the King or His Laws, or such as will not pay their Debts, &c. The present Warden is Sir *Jeremy Whitchcote*: It is executed by a Deputy.

Serjeant at Armes is *Humphrey Ley*, esq; whose Office is to bear a great gilt Mace before the Lord Keeper, &c.

Six Clerks are Officers of great account next in degree to the twelve Masters in *Chancery*, whose Office is to inroll Commissions, Pardons, Patents, Warrants, *&c.* that are passed the Great Seal. They were antiently *Clerici*, and afterwards forfeited their places, if they did marry, till by Act of Parlament in the time of *Hen.* 8. they were allowed to take Wives.

They are also Atturneys for Plaintiffs and Defendants in causes depending in this Court.

The six Clerks at present are Sir *Cyril Wyche*, Sir *John Masham*, *Matthew Pindar* esq; *Edmund Penrudduck* esq; *Matthew Bluck* esq; *Robert Longvile* esq; whose places are all executed by Deputies, about a dozen for each of the six clarks, who sit altogether

together at the Office in *Chancery Lane*.

Examiners in *Chancery* there are two, Sir *Robert Peyton*, and Sir *Nicholas Strode*. Their Office is to examine the Witneſſes in any ſuit on both ſides upon their Oaths.

This Office alſo is executed by Deputies at the Rolls, where are five examining Clerks, and ſix copying Clerks.

Clerks of the Petty Bag in *Chancery* are three, *Edmund Warcup*, eſq; *John Hobſon*, eſq; and *George Low*, eſq; they are under the Maſter of the Rolls. Their Office is to make all Patents for Cuſtomers, Controllers, all *Conge d' eſtires*, firſt ſummons of Nobility, Clergy, Kts, Citizens, and Burgeſſes to Parla-

ment, &c. This Office is also executed by Deputies.

The *Subpena* Office is to issue out Writs to call a person into *Chancery*, in such cases as wherein the Common Law faileth, &c.

This Office is in the hands of *Frances* Lady *Vane*, Sir *Walter Vane*, and *Charles Vane*: and executed by a Deputy.

Clerk of the Patents or of Letters Patents under the Great Seal of *England*, is Sir *Richard Pygot*, and executed by a Deputy, erected 16 *Jac.*

The Register of the Court of Chancery from whence issue all original Writs. This Office is in the Lady *Fermin*, under whom are two Deputy Registers for the Court, two Deputy Registers for the Rolls, two entring

entring Clerks and a Keeper of the Records.

Curſiſtors Office in the *Chancery*, is to make out Original Writs, they were antiently called *Clerici de Curſu*, of theſe there are twenty four, whereof each one hath certain Counties and Cities allotted to them, into which they make out ſuch original Writs as are required. Theſe Clerks are a Corporation within themſelves, and are all perſons of Quality, whoſe Names follow.

The Names of the Curſiſtors, now in being, are theſe that follow,

JOhn Symonds, *principall.*
William Barker } *Aſſiſtants.*
Benjamin Gladman }

Henry Edmonds. Ge. Norbury
Abr. Nelson. Rich. Plumpton.
Roger Brown. John Norbury.
Richard Cross. Edmund Eyre.
Will. Adderly. Abr. Skynner.
Jo. Shelbury. Will. Plumpton.
Thomas Fisher. Elias Gladman.
Roger Twisden. Ben. Storke.
John More. William Loe.
H. Amhurst. Philip Barecroft.
Rich. Parmee, Esquires; *who execute these Offices by themselves, or by their Deputies.*

Clerk of the Presentations of Spiritual Benefices, *Edwes*, Esquire.

Commissioners, Sr *George Curthop*, Sir *Edm. Turner*, *Halsal*, esquire.

Alienation Office. *N. Crew*, esquire.

Receiver Gen. *Joh. Nichols*, esquire.

All

All the forementioned courts of Judicature at *VVestminster*, are opened four times the year, called the four *Termes*, *viz.* *Easter Term*, which beginneth alwayes the *seventeenth* day after Easter, and lasteth 27 dayes. *Trinity Term* begins the 5*th* day after *Trinity* Sunday, and lasteth 20 dayes. *Michaelmas Term* began heretofore a little after that Feast, but now by a late Statute, begins the 23 *October*. and lasteth 37 dayes. Lastly, *Hilary Term* begins now 10 dayes after St. *Hilary* Bishop, or the 23 of *January* and lasteth 21 dayes; so in all 105 dayes, from whence must be deducted about 20 Sundayes and Holydayes, which are *Dies Nefasti*, wherein the Courts sit not: so that in one fourth part of the year, and that in one

City, all considerable causes of the greatest part of *England* are fully decided and determined, whereas in forreign parts the Courts of Justice are open all the year, except high Holydayes, and Harvest, and that in all great Cities. This may seem therefore strange to all Forreigners till they know that the *English* have alwayes been given more to peaceableness and industry then other people, and that rather then go so far as *London*, and be at so great Charges with Attourneyes and Lawyers they will either referre their differences to the Arbitration of their Parish Priests, who do, or ought to think it a principal part of their Duty to reconcile differences within their Parishes, or to the Arbitration of

of honeſt Neighbours: or elſe are content to ſubmit their differences to tryal before the Judges of *Aſſiſes* or the Itinerant Judges, who twice a year, *viz.* after the end of *Hillary Term*, and after the end of *Trinity Term*, two by two of theſe principal Judges ride ſeveral Circuits; and at the Principal Town of every County, ſit to hear and determine all Cauſes of leſſer moment both Civil and Criminal, a moſt excellent wiſe Conſtitution begun by King *Hen.* 2. *Anno* 1176. who at firſt divided *England* into ſix Circuits (not the ſame that are now) and to each Circuit allotted three Judges. *Wales* alſo is divided into two Circuits, *North* and *South-Wales*, for which are deſigned in like manner

ner two Sergeants at Law for each Circuit. These Judges give Judgment of the *Pleas* of the Crown and all Common Pleas within those Countyes dispatching ordinaryly in two or three dayes all Controversies in a County that are grown to issue in the fore-mentioned Courts at *London* between Plaintifs and Defendants, and that by their Peers: a Jury of 12 men, *ex vicineto*, out of the Neighbourhood, where about the busines lyes. So that 'twice a year, in *England* and *Wales*, Justice may be said to be rightly and speedily administred even at our own doors.

Besides, the forementioned Courts at *Westminster*, *Hen.* 8. erected for the more ease of the Subject, a Court in the *North* of

En-

England, another for the Country of *Wales* and Countys adjoyning; and intended another for *Cornwall* and *Devonſhire*; and theſe in manner of thoſe Courts called in *France* Parlements, where all caſes might be decided both according to the Laws of *England*: and according to Equity in *Chancery*: Of theſe Courts, that for *Cornwal* was never fully erected, thoſe people deſiring rather to come to *London* for Juſtice; that of the *North*, was by the late Long Parlement taken away, and ſo was that of *Wales*; but ſince the Reſtauration of the King, again erected. Of this Court or Council of the Marſhes of *Wales* is a Lord Preſident at Preſent the Lord *Vaughan*, Earl of *Carbury*; divers Counſellors,

sellors, Secretary, Attourny, Sollicitor, Surveyor, who have Salaries from his Majesty.

HAving given a brief Account of the Civil Government of all *England* in General: Next shall be described the particular Government of Counties, Hundreds, Cities, Burroughs and Villages.

For the Civil Government of all Counties, the King makes choice of some of the Nobility, Clergy, Gentry and Lawyers; men of worth and Parts, who have their usual residence in the County, so many as His Majesty pleaseth, to keep the Peace of the County, and these, by Com-

Commiſſion under the great Seal, are called Juſtices of Peace, and ſuch of them in whom the King doth more particularly confide or reſpect, are ca'led Juſtices of the *Quorum*, from thoſe words in the Commiſſion, *Quorum* A. B. *unum eſſe volumus*, that is, ſome buſineſs of more importance may not be tranſacted without the preſence or concurrence of one of them.

One of the principal Juſtices of Peace and *Quorum*, is by the Lord Keeper made *Cuſtos Rotulorum*, ſo called, becauſe he hath the Cuſtody of the *Rolls*, or Records of the Seſſions, and is to bring them to each Quarter Seſſions.

The Original of Juſtices of Peace

Peace is from the first year of *Edw.* 3.

Their Office is to call before them, examine and commit to prison all Theeves, Murderers, wandring Rogues, those that hold Conspiracies, Conventicles, Riots, and almost all other Delinquences that may occasion the breach of Peace and quiet to the Kings Subjects; to commit all such to prison, as either cannot, or by Law are not, to be bailed (that is, cannot be set at liberty by Sureties, taken for their appearance at a place and time certain) and to see them brought forth in due time to Tryal.

Every Quarter or 3 months, the Justices meet at the chief or Shire Town, where the Grand Enquest or Jury of the County

is

is ſummoned to appear, who upon Oath, are to inquire of all Traitors, Hereticks, Theeves, Murderers, Money-Coiners, Riots, *&c.* Thoſe that appear to be guilty, are by the ſaid Juſtices committed to Priſon, to be tryed at the next Aſſiſes, when the Judges of *Weſtminſter* come their Circuits aforementioned.

For execution of Laws in every County, the King every *Michaelmas Term*, nominates for each County, a *Sheriff*, that is a *Reeve* of the Shire, *Præpoſitus* or *Præfectus Comitatus*, a Governour or Guardian of the County, for the words of his Patent are, *Commiſimus tibi* Cuſtodiam Comitatus *noſtri de* N.

The Sheriffs office is to execute

cute the Kings Mandates, and all Writs directed to him out of the Kings Courts, to empannel Juries, to bring Causes and Criminals to Tryal, to see the sentences both in Civil and Criminal affairs executed; to wait on and guard the Itinerant Judges twice a year, so long as they continue within the County, which at the *Assises* is performed with great Pomp, Splendor, Feasting, *&c.* In order to the better execution of his Office, the Sheriff hath attendant his Under-Sheriff, divers clarks, Stewards of Courts, Bailiffs of Hundreds, Constables, Geolers, Sergeants or Beedles, besides a gallant train of Servants in rich Liveries, all on Horseback at the Reception of the Judges.

He was antiently chosen as Knights

Knights of the Shire, but to avoid Tumults it is now thus.

The Judges Itinerant nominate ſix fit men of the County, that is Kts. or Eſquires of good Eſtates, out of theſe the Lords Keeper, Treaſurer, Privy Counſellors, and 12 Judges aſſembled in the Exchequer Chamber and ſworn, make choice of three, of which the King himſelf after chooſeth one to be Sheriff, for that year only, though heretofore it was for many years, and ſometimes hereditary; as at this day, to the *Cliffords*, who by diſſent from *Robert de Vipont* are Sheriffs hereditary of the County of *Weſtmorland* by Charter from King *John*.

Furthermore the Sheriffs Office is to collect all publick profits

fits, Customes, Taxes of the County, all Fines, Distresses and Amerceaments, and to bring them into the Kings Exchequer or Treasury, at *London*, or else where as the King shall appoint.

The Sheriff of each County hath a double function, first, Ministerial to execute all Processes and Precepts of the Courts of Law, and to make returns of the same. Secondly, Judicial, whereby he hath authority to hold two several Courts of distinct nature, the one called the Sheriffs *Turn*, which he holdeth in several places of the County, enquiring of all Criminal Offences against the Common-Law not prohibited by any Statute: The other called the County Court, wherein

in he hears and determines civil Causes of the County under 40*s.* which antiently was a considerable summe: so that by the great fall of the value of moneys now, the Sheriffs authority in that part is much diminished.

He is said to be the life of Justice, of the Law and of the County, for no suit begins, and no process is served but by him, then no Execution of the Law, but by him; lastly, he is the chief Conservator of the Peace in the whole County. Every County being subdivided into Hundreds (so called at first, either for containing a hundred houses or 100 men bound to find Armes) or Wapentacks, so called, from touching a weapon, when they swore *Allegiance* (as the manner at

at this day is in *Sweden*, at their solemn weddings for the chief witnesses to lay all their hands upon a *Lance* or *Pike*) every such Wapentake or Hundred hath commonly a Bailiff, a very antient Officer, but now of small Authority: also Officers called *High Constables*, first ordained by the Statute of *Winchester* 13. *Edw.* 1. for conservation of Peace and view of Armour, they disperse Warrants and Orders of the Justices of Peace to each Petty Constable.

There are also in every County two Officers, called *Coroners*, whose Office is to enquire by a Jury of Neighbours how and by whom any person came by a violent death: and to enter the same upon Record, which is matter Criminal and a plea of the Crown, and thence they are called

called *Crowners* or *Coroners*.

These are chosen by the Free-holders of the County, by vertue of a Writ out of the *Chancery*. They were antiently men of Estates, Birth and Honor; and therefore in the Reign of *Edward* III. a Merchant being chosen a Coroner, was removed, *quia communis Mercator fuit*, whereas he ought to have been a *Gentleman*, which no Trades-man is reckon'd to be.

Every County also hath an Officer called Clark of the *Mercat*, whose Office is to keep a *Standard* of all Weights, and Measures exactly, according with the Kings *Standard* kept in the *Exchequer*, and to see that none others be used in the same *County*, to seal all Weights and measures made exactly by the Stan-

Standard in his Custody, and to burn such as are otherwise. He hath a Court and may keep and hold Plea therein.

Of the Civil Government of Cities.

EVery City of *England* by their Charters or Priviledges granted by several Kings, is a little Common-wealth apart, governed, not as the Cities of *France*, by a Nobleman or Gentleman placed there by the King; but wholly by themselves: they choose amongst themselves their own Governour, in Cities, a Mayor is chosen, commonly out of 12 Aldermen. In some other Corpo-

porations, a Bailiff is choſen out of a certain number of Burgeſſes.

They are not taxed, but by their own officers of their own Corporation, every trade having ſome of their own alwayes of the Council, to ſee that nothing be enacted contrary to their profit.

Every City, by Charter from the King hath *haute moyenne & baſſe Juſtice*, a juriſdiction amongſt themſelves to judge in all matters *criminal* and *civil*, onely with this reſtraint, that all *civil* cauſes may be removed from their courts to the Higher Courts at *Weſtminſter*.

The Mayor of a City is the Kings Lieftenant, and with the Aldermen, and Common Council (as it were King, Lords and

Commons in Parlament) can make Laws called *By-Laws* for the Goverument of the City.

He is for his time (which is but for one year) as it were a Judge to determine matters, and to mitigate the Rigour of the Law.

The next in Government of Cities are two principal Officers called, though improperly, the *Sheriffs*, who are Judges in *civil* causes within the City, and to see all execution done, whether *penal* or *capital*, and should rather be called *Stat-reeves* or *Port-reeves* (i. e.) *Urbis vel Portus Præfecti.*

In Citties the people are generally made more industrious by Manufactures, and less idleness suffered then in other places, so that in some Cities, children

dren of six or seven years old are made to gain their own expences. In the City of *Norwich*, it hath of late yeras been computed and found, that yearly children from 6 to 10 years of age, have gained [illegible] thousand pounds more then what they spend, and that chiefly by knitting fine *Jersey* Stockins.

The Government of *Burroughs*, and other Towns corporate is much after the same manner. In some, there is a Mayor, in others, one or two Bailiffs, who have equal power with a Mayor and Sheriffs, and during their offices, they are Justices of the Peace within their Libertys, and have there the same power, that other Justices of the Peace have in the County.

For the better Government

of Villages, the Lord of the place hath ordinarily power to hold a *Court-Baron*, ſo called, becauſe antiently ſuch Lords were called *Barons*, as they are ſtill in many parts of *France*: or elſe *Court Baron* (i.e.) Court of *Free-holders*, as the Barons of *Germany* are called *Frey herren*; ſo the Barons of the *Cinq*; *Ports* in *England* are but the Freholders of the *Cinq*; *Ports*. And this court may be held every 3 weeks.

Alſo, for the Government of Villages there is a Pety *Conſtable* choſen every year by every one that is Lord of the place: this Officer is to keep the Peace, in caſe of quarrels, to ſearch any houſe for Robbers, Murdrers, or others that have any way brok'n the peace: to raiſe the *Hue* and

Cry

Cry after Robbers fled away, to ſeize upon them, and keep them in the Stocks or other Priſon, till they can bring them before ſome Juſtice of Peace, to whom the Conſtables are ſubſervient upon all occaſions, either to bring criminals before them, or to carry them by their command to the common Priſon.

Every little Village almoſt hath an *Epitome* of Monarchical Government, of civil and eccleſiaſtical policy within it ſelf, which if duly maintained, would render the whole Kingdome happy.

Firſt, for the *civil* Government, there is the Lord of the Soyl, who from the Crown immediately or mediately holds *Dominium ſoli*, and is ſaid to have in him the Royalty, as if

he were a little King, and hath a kind of Jurisdiction over the Inhabitants of the Village, hath his *Court-Leet*, or *Court-Baron*, to which they owe *suit* and *service*, and where may be tryed smaller matters happening within the Mannour, Escheats upon Felonies or other accidents, Custody of Infants and Lunaticks, power of passing Estates and admitting of Tenants, Reliefs, Hariots, Hunting, Hawking, Fishing, *&c.* under the Lord, is the Constable or Headborough, to keep the Peace, to secure offendors, to bring them before the Justice, *&c.*

Then for the *Ecclesiastical* Government of Villages, there is (as before hath been mentioned) the Parson or Vicar, who hath *Curam Animarum*, the Care

Care of Soules (as the Lord of the Mannor hath in ſome meaſure, *Curam corporum*) for which he hath the Tythes Glebe, and Church Offrings, hath under him the Church-wardens and Sides-men to take care of the Church, and Church Aſſemblies, the Oveſeers of the Poor, to take care of the Poor ſick, aged, Orphans, and other Objects of Charity; and laſtly, the Clark to waite on him at Divine Service.

Thus admirable and excellent is the Conſtitution of the Preſent *Engliſh Government* above and beyond any other Government in Chriſtendome.

O Fortunatos nimium bona ſi ſua norint
Angligenæ —— ——

If Engliſh men did know their Bliſs,
Too great would be their Happineſs.

Of the Military Government of *England*.

IT was a ſmart *Motto* that the Great *Henry* the IV. of *France*, Grandfather to our King now raigning, cauſed to be engraven on his Great Guns, *Ratio Ultima Regum:* Intimating thereby, that when Subjects refuſe to ſubmit to the Laws of the Land, or Neighbours to the Law of Nations; then Kings have recourſe to Force and Armes, to bring them to Reaſon.

So

So long as Subjects are prone to Sedition, and Neighbour-Princes and States to Ambition, there will be a neceſſity of a *Military* Power in every State both by Land and alſo by Sea, where the Country is anywhere bordering on the Sea.

Of the *Military* Power of *England*, both by Land and Sea, the King of *England* hath the ſole ſupreme Power, Government, Command and Diſpoſition. And neither one nor both Houſes of Parlament have any right to levey any Forces, or make any Warre Offenſive or Defenſive, as they have at large declared in Parlement, *Anno* 14 *Car.* 2.

By Land, the next under the King was the late Duke of *Albemarle*, who by His Majeſties

Commiſſion dated 4th of *April*, 1660. at *Breda*, was made *Generaliſsimo* of all His Majeſties Forces, in all His three Kingdomes, Horſe and Foot, Land-Souldiers in pay, as well within Garriſon as without.

Since the Death of the aforementioned Duke, the Horſe and Foot which are in conſtant Pay, are thus ordered: there are four excellent Regiments of Foot. The firſt is called the Kings Regiment, conſiſting of 24 Companies, and near 1700 men, commanded by Coll. *John Ruſſell*, whoſe Lieftenant Coll. is *Edw. Grey*, brother to the Lord *Grey*, and whoſe Major is *William Rolleſton*.

The next is the Duke of *Yorks* Regiment 720 men, commanded by Sir *Charles Littleton*, whoſe Lief.

Lieft. Coll. is Sir *Iohn Griffith*, and his Major *Nath. Dorrel.*

Of the third Regiment, 600 men, Sir *Walter Vane*, is Coll. *Thomas Howard* of *Suffolk* Lieft. Coll. and Sir *Thomas Ogle* Major.

Of the fourth Regiment, 960 men, the Coll. is the Earl of *Craven*, his Lieft. Coll. is Sir *Iames Smith*, his Major *Iohn Millar.*

There is alſo a Gallant Regiment of Horſe, conſiſting of 8 Troops, about 500 Horſe, beſides Officers: commanded by the Earl of *Oxford*, and his Major is *Francis Windham.*

His Majeſty hath beſides, 3 compleat Troops for his Life-Guards: whereof one is called the Kings Troop, conſiſting of 200 Horſe, and commanded by the Duke

Duke of *Monmouth*: Another the Queens Troop, 150 horſe, and commanded by Sir *Philip Howard:* and the third the Duke of *Yorks* Troop, 150 Horſe, and commanded by the Marquis of *Blanquefort*, whereof ſee more in the firſt Part of the *Preſent State of England*.

The pay of a Colonel of Foot is 20 s. *per diem*, and of a Colonel of Horſe 12 s. *per diem*. the other officers have proportionable pay. Each Foot Souldier in *London*, hath 10 *d*. a day, and each Horſe-man 2 *s*. 6 *d*. a day. Onely thoſe of the Life Guards have each 4 *s*. a day.

The reſt of His Majeſties Forces that are in conſtant pay, are diſpoſed of into ſeveral Garriſons: a Liſt whereof follows Alpha-

phabetically, with the names of their ſeveral Governours.

Barwick, Lord Withrington.
Carlile, Sir Philip Muſgrave.
Chepſtow, Captain Roger Vaughan.
Cheſter, Sir Jeofry Shackerly.
Dover, Capt. Strode.
Deale, Capt. *Titus*.
Guernſey, Lord Hatton.
Graveſend, Sir Francis Leake.
Harwich, Sir Charles Littleton.
Hull, John Lord Bellaſſis.
Ierſey, Sir Thomas Morgan.
Landguard Fort, Major Dorrell.
St. Maws, Sir Viel Vivian.
Pendenis, Richard Lord Arundell.
Plimmouth, Earl of Bath.

Portſ-

Portſmouth, D. of *York*. Sir *Philip Honywood*, Lieftenant Governour.
Scarborough, Sir Tho: Slingſby.
Scylly Iſle, Sir William Godolphin.
Sherneſs, Sir Bourcher Wray.
Tinmouth, Collonel Edward Villars.
Tower, Sir John Robinſon.
Upner Caſtle,
Winſor Caſtle, Prince Rupert.
Iſle of Wight, Sir Robert Holmes.
York, the Lord Frechevile.

In ſome of theſe Garriſons His Majeſty is at the charge of above 500 men conſtantly, each Garriſon ſouldier hath 8 pence a day.

Of

Of all the Land-Forces in pay, the Commiſſaries Gen. of Muſters are *Henry Howard* of *Suffolk*, and Sir *Cecil Howard*.

The Pay-maſter of all the Forces is Sir *Stephen Fox*.

The Judge Advocat Dr. *Sam. Barrow*.

For regulating and ordering His Majeſties Land Forces, that are in conſtant pay, there are no Orders, yet ſetled by Act of Parlement, as there are for his Sea Forces, but may be in a ſhort time.

Beſides, the fore-mentioned forces there is the ſtanding *Militia* by Land of all *England* ſetled in the King, to be governed, ordered and enlarged from time to time as His Majeſty ſhall ſee Occaſion.

For

For the management of these standing Land Forces the King himself makes choice of divers of the principal Peers of his Kingdome, and by Commission creates them Lord Lieutenants of the several Counties of *England*, with power to arm, array, and form into Companies, Troops, and Regiments, to conduct (upon occasion of Rebellion or Invasions) and employ the men so armed within the Counties and Places for which the said Lords are commissioned, or into any other County as the King shall give order. To give Commissions to Colonels, or other Commissioned Officers, to present to the King the names of the Deputy-Lieutenants, who have in the absence of the Lord Lieutenant

tenant the ſame power (and theſe are to be of the prime Gentry of the County) to charge any perſon in the County with Horſe, Horſemen, and Arms, or Foot Souldiers and Arms within the ſaid County, proportionable to their eſtates, with limitation that no perſon be charged with a Horſe unleſs he hath 500 *l.* yearly Revenue, or 6000 *l.* in perſonal Eſtate. No perſon to be charged with a Foot Souldier unleſs he hath 50 *l.* yearly Revenue, or 600 *l.* perſonal Eſtate. Thoſe that have meaner Eſtates are to joyn two or three together to find a Horſe and Horſeman, or a Foot Souldier.

The forementioned Horſe and Foot are to muſter once or twice a year, and each Horſeman

man during the time of the Muſter to be allowed by him for whom he ſerves 2 *s.* a day, and each Foot Souldier 12 *d.* a day.

For furniſhing Ammunition and other Neceſſaries, the Lord Lieutenant, or Deputy Lieutenant may levy every year one fourth part (if they judge it expedient) of each mans proportion in the Tax of 70000 *l.* a month upon the whole Kingdome: And in the caſe of marching againſt an enemy, they have power to cauſe every man ſo charged to allow each Souldier one moneths pay, which the King is after to repay before they may be charged with another months pay.

Theſe Forces are alwayes in readineſs with all things neceſſary at the beat of a Drum, or ſound

ſound of Trumpet, to appear, muſter, and compleat with men, horſe, and arms, and are at certain times trained and diſciplined, that they become able, skilful, and uſeful Souldiers.

There are to be commanded only within the Kingdom, for the ſecurity of the King and Kingdom.

Subſervient in the ſtanding *Militia* to the Lord Lieutenant, and Deputy Lieutenant are the Juſtices of Peace of every County, who upon all occaſions according to the orders of their Superiors, are to ſend their Warrants to the High Conſtable of the Hundred, or Petty Conſtable of the Pariſh, &c.

Theſe are commonly called the Train-bands of every County, whereof the number is ſo great,

great, that in only
bigger Counties
there are to be fou
vided fourty thouſ
men ready to aſſiſt
on all occaſions,
times of peace th
ſix or ſevenſcore t
enrolled, and who
at his diſpoſing fo
of his Kingdom of

For the better
Kingdom from fo
ons, beſides the
(whereof more an
upon certain emine
all parts of *Engl*
rene as well as m
Poles erected, wh
ned pitch Barrels
night, and a ſm
day, and thereby
in few hours to th

ent State

only five of the
es of *England*
found well pro-
ouſand able luſty
ſiſt the King up-
s, ſo that in all
e the King hath
re thouſand men
wholly and ſolely
g for the defence
n of *England*.
ter ſecuring of the
forreign Invaſi-
he Ships of war
anon) there are
minent places over
ngland, mediter-
s maritime, high
whereon are faſt-
els to be fired by
ſmoke made by
by to give notice
the whole King-
dom

Par
dom
on:
in ar
coaſt
from
an,
time
watc
Ant
ſtles
inlan
ther
time
decay
migh
no ſta
refuge
ly, th
lingri
which
calami
to a N
In

dom of the approaching Invaſion: whereupon the Inhabitants in arms make haſte to the ſea-coaſts. Theſe are called Becons, from the Saxon *Beken* or *Beacnian*, to ſhew by a ſigne. In all times of danger ſome are ſet to watch at every Becon.

Antiently there were many Caſtles in all parts of *England*; but inland Caſtles generally have either been demoliſht in latter times, or wittingly ſuffered to decay, that to Rebels they might be no ſhelter, to Invaders no ſtay, nor to the Invaded any refuge in flight, and conſeqnently, that there may not be any *lingring war* again in *England*, which is the greateſt miſery and calamity that can ever happen to a Nation.

In 1588. upon expectation of the

the Spaniſh Armado ſtiled invincible, there went forth from the Queen Commiſſions to muſter in all parts of *England* all men that were of perfect ſenſe and limb, from the age of 16 to 60, except Noblemen, Clergy-men, Univerſity Students, Lawyers, Officers, and ſuch as had any publick charges, leaving only in every Pariſh ſo many Husbandmen as were ſufficient to till the ground. In all thoſe Muſters there were then numbred three millions; but of theſe fit for war, about ſix hundred thouſand.

In another Muſter of Queen *Elizabeth* there were found in all *England* fit for war of common Souldiers, about four hundred thouſand, and of thoſe armed and trained one hundred eighty,

ty five thouſand, beſides Horſe near fourty thouſand : and that the Nobility aud Gentry were then able to bring into the field of their Servants and Followers twenty thouſand men Horſe and Foot choice men, and exellent horſes; and in all fit for war, and ready upon all occaſions, ſix hundred fourty two thouſand, leaving ſufficient to till the ground, and to furniſh Trades, beſides Nobility, Gentry, &c.

Of the preſent Maritime Power belonging to the Crown of England.

THe Kingdom of *England* being a Peninſula, almoſt ſurrounded with the ſea, there will

will alwayes be a neceſſity of maritime forces. And as next Neighbours grow potent at ſea, the King of *England* will be neceſſitated to augment his maritime forces proportionably (how great ſoever the charge thereof may be) or elſe to quit his antient right to the Soveraignty of the narrow ſeas, and to ſuffer his Merchands to be abuſed, and their traffique every where interrupted.

It is true, that in the 24 of *Eliz.* upon a general view and muſter there were found but 13 Ships of war, and 135 Ships of conſiderable burden belonging to all the Subjects of *England*: and in the year 1600 her Majeſty had but 36 Ships of war, and 13 or 14 Pinnaces: the biggeſt Ship was then of 1000 Tun

Tun, carried 340 Mariners, 130 Souldiers, and but 30 piece of Ordnance: The leſſer ſhips of War were of 100 Tun, 40 or 50 mariners, 7 or 8 Souldiers, and 8 Guns. The Pinnaces of 30 Tun, 18 or 20 mariners and 2 or 4 Guns, ſo ſmall was the Royal Fleet in thoſe dayes, when our next Neighbour Nations were weak and a wayes engaged with Civil and Forreign Wars, but now that their ſtrength at Sea, is of late ſo prodigiouſly increaſed, it will be moſt expedient for this Kingdom to be alwayes well provided: and, God be thanked, we have a King that underſtands better, and takes more delight in *maritime* affairs and Ships of War, then any of His Royal Anceſtors, or any Soveraign

Prince now living in the World, and who hath made it his chief buſineſs that way, to fortify this Kingdom.

The Forces of Potentates at Sea, *ſont des Marques de Grandeur d' Eſtat*, ſaith a French Authour, whoſoever Commands the Sea, commands the Trade of the World, he that commands the Trade, commands the Wealth of the World, and conſequently the World it ſelf. Again, as he that is Maſter of the Field, is ſaid to be Maſter of every Town, when it ſhall pleaſe him; ſo, he that is Maſter of the Sea, may, in ſome ſort, be ſaid to be Maſter of every Country, at leaſt of ſuch as are bordering on the Sea, for he is at Liberty to begin or end a war, where, and upon what termes he pleaſeth,

pleaseth, and to extend his Conquests even to the *Antipodes*.

To the Crown of *England* belongs the Dominion of all the Narrow Seas round about the whole Island of Great Britain, by antient Right whereof it hath had possession in all times. First the *Aborigenes* or antient *Britains* were possest thereof, (as Mr. *Selden* makes appear) and in their right the *Romans* held it, then the *Saxons*, having gotten possession of *England* kept that Dominion, their King *Edgar* amongst his Royal Titles calling himself Soveraign of the Narrow *Seas*.

Afterward the *Normans* possessing *England*, claimed and quietly possest the same Dominion, in testimony whereof the *Swedes*, *Danes*, *Hans-Towns*,

Hollanders, *Zealanders*, &c. were wont to ask leave to pass the *British* Seas, and to take Licenses to fish therein: and to this day, do strike sayle to all the Ships of War belonging to the King of *England*, as oft as they pass by any one of them, thereby to express that they acknowledg the Soveraignty of the *British* Seas to belong to the King of *England*, according to an Ordinance made at Hastings in *Sussex* by *John* King of *England*, about 450 years ago.

To maintain this Right and Title, to protect Trade, to subdue Pirats, to defend this Kingdome against hostile Invasions, and to reduce forreign Potentates to Reason, the Kings of *England* have had (especially of la-

ter times) a considerable number of Ships of Warre, for Strength, for beauty and sayling (if not for Number) surpassing all those of our Neighbour Nations: for Strength, by reason of the most excellent *English* Timber, they are like so many floating Castles and *Barbicans*: for beauty, so proportionably and spatiously built, and so curiously and richly adorned, that they are as so many *Royal* Palaces. Amongst other ships at Sea, they are as so many Lyons amongst other silly beasts, or as Eagles amongst other Birds.

Histories mention a great Fleet of *Julius Cæsar*, a Fleet of the forementioned King *Edgar* consisting of 3600 Sayles; a Fleet of *Lewis*, Son to *Philip* King of *France*, of 600 saile, that arrived

at *Sandwich* to assist the English Barons against King *John*, but those doubtless were but as so many Cottages to Castles, in respect of the present Ships of War.

Henry the VIII. in the fifth year of his Reign, built a ship then accounted the greatest that ever had been seen in England: and named it *Henry Grace de Dieu*, or the *Great Henry*; it was of one thousand Tun.

In the eighth year of King *James* was built by the *Londoners* a ship of 1200 Tun, and called *The Trades increase*, which being lost in the *East Indies*, King *James* caused another to be built of 1400 Tun, which being given to Prince *Henry*, was by him named the *Prince*.

King

King *Charles* the *Martyr* perceiving the great encreaſe of ſhipping in our Neigbour Nations, and that the Soveraignty of theſe Seas was like to be diſputed; amongſt other great ſhips of War, built one greater then any ſhip of War, either in *England*, or in any Country of *Europe*, and named it the *Royal Soveraign*; which for a little diverſion, ſhall here be more particularly deſcribed.

The *Royal Soveraign* being a ſhip of the firſt Rate or Rank, built in the Year 1637. is in length by the Keel 127 foot, in breadth by the Beam 47 foot, in Depth 49 foot, her draught of water 21 foot: of Burden in all 2072 Tuns; and 1554 Tuns, beſides Guns, Tackle, *&c.* This mighty mooving caſtle hath ſix

Anchors, whereof the biggeſt weighs 6000 *l.* and the leaſt 4300 *l.* it hath 14 Cables, whereof the greateſt is 21 Inches in compaſs and weighs 9000 *l.* her leaſt Cable being 8 inches in compaſs, weighing near 1300 *l.*

To the *Royal Soveraign* belong 18 Maſts and yards, whereof the greateſt, called the main Maſt, is 175 foot long, her main yard 97 foot long, and her main Top 15 foot Diameter: ſhe hath 10 ſeveral ſorts of ſayles of ſeveral names (as every ſhip of every one of the ſix Rates hath) whereof her greateſt Sayle, called her Main Courſe (together with her Bonnet) contains 1640 yards of *Canvas*, *Ipſwich* double, and the leaſt ſayle called the Fore-top-gallant-ſail, containes 130 yards of *Canvas*.

The

The charge of one compleat ſute of Sayles for the *Soveraign* is 404 *l.* ſterling money. The weight of the Sea ſtore, in point of ground tackle and other Cordarge, is 60 Tuns, 800 and odde pounds.

She carryes a long boat of 50 foot, a Pinnace of 36 foot, and a skiff of 27 foot long.

The weight of her Rigging is 33 Tun.

She hath three Tire of Guns, all of Braſs, whereof there are 44 in her upper Tire, 34 in her ſecond Tire, and 22 in her lower Tire, in all 100 Guns.

She carryes in all, of Officers, ſouldiers and mariners, 7 hundred men.

Finally, her whole charges for Wages, Victuals, Ammunition, wear and tear, for every month

at Sea, costs the King 3500 *l.* sterling, as hath been computed by a very skillful person.

The charges of building a ship of the first Rate, together with Guns, Tackle and Rigging (besides Victualing) doth ordinarily amount to about 26000 *l.* those of Lower Rates proportionably.

Of ships of Warr, Great and small, the King had before the last Warr with the United *Netherlands* above 160 Sayl, whereof a true *List* followeth.

A List

A List of all the Ships, Frigats, and Vessels of His MAJESTY's Royal Navy; together with the *Rates*, *Tuns*, *Men* and *Guns*, usually accounted.

First Rate Ships.	*Tuns*	*Men*	*Guns*
Charles	1229	550	80
Prince	1205	600	84
Soveraign	1554	700	100
Second Rate.			
St. Andrew	775	300	56
St. George	775	300	56
Henry	1047	380	64
James	792	350	60

Second Rate Ships.	*Tuns*	*Men*	*Guns*
London	1050	500	64
Royal James	1100	500	70
Rainbow	782	320	56
Swiftsure	740	340	60
Triumph	779	350	64
Catherine			76
Victory	690	320	56
Unicorn	78[illegible]	320	56
Vantguard	706	320	56
Royal Oak			76
Third Rate.			
Anne	742	240	54
Dreadnought	738	240	52
Dunkirk	635	230	48
Essex	633	230	48
Fairfax	755	240	52
Henrietta	781	250	50
Gloceſter	755	240	52
Lyon	550	210	48

Ships.	*Tuns*	*Men*	*Guns*
Mary	727	260	56
Monk		260	50
Montague	769	260	52
York	739	240	52
Plimouth	741	240	52
Revenge	765	250	52
Reſolution	771	250	50
Fourth Rate.			
Antelope	550	160	40
Aſſiſtance	513	160	40
Advice	516	160	40
Adventure	505	140	24
Amity	354	120	30
Aſſurance	341	135	32
Briſtol	534	180	44
Bear	430	130	36
Breda	515	160	40
Crown	536	160	40
Centurion	531	170	40
Convertine	500	170	40

Ships.	Tuns	Men	Guns
Constant Warwick	315	135	32
Charity	400	140	38
Diamond	547	160	40
Dover	511	160	40
Dragon	414	150	38
Elizabeth	477	150	38
Elias	400	130	36
Expedition	323	120	30
Foresight	513	160	40
Guinea	375	120	30
Happy Return	607	180	44
Hampshire	481	150	38
Jersey	560	160	40
Indian	500	180	40
Kent	600	170	40
Leopard	666	180	44
Mathias	400	160	44
Mary Rose	566	160	40
Marmaduke	400	130	32
Newcastle	633	180	44

Non-

Ships.	*Tuns*	*Men*	*Guns*
Nonſuch	389	140	34
Portland	607	170	40
Princeſs	600	150	36
Portſmouth	433	150	38
Phenix	414	150	38
Preſident	462	150	38
Providence	323	120	30
Reſerve	512	160	40
Ruby	550	160	40
Swallow	543	170	40
Saphire	442	150	38
Tyger	447	150	38
Welcome	400	150	38
Yarmouth	608	180	44
Fifth Rate.			
Auguſtin	300	110	26
Briar	180	90	18
Colcheſter	287	110	24
Convert	250	110	26
Coventry	200	100	20

Dart-

Ships.	Tuns	Men	Guns
Dartmouth	230	110	22
Dolphin	130	80	14
Eagle	299	110	22
Foreſter	230	110	32
Fame	200	90	20
Gift	300	100	26
Garland	255	110	22
Greyhound	150	90	20
Half Moon	300	110	26
Happy Entrance	200	100	20
Hector	150	90	20
Hound			
Lizard	100	170	16
Milford	262	115	22
Mermaid	287	110	22
Norwich	258	110	22
Nightingale	300	110	22
Oxford	240	105	22
Conſt. Warwick.		80	22

Pearl

Ships.	*Tuns*	*Men*	*Guns*
Pearl	285	110	22
Pembroke	210	110	22
Paul	240	95	22
Richmond	235	110	22
Roſebuſh	300	100	24
Succeſs Frigat.	230	115	24
Speedwell	200	100	20
Sorlings	250	110	22
Succeſs	380	130	34
Satisfaction	220	110	26
Saphire	300	100	26
Weſtergat	300	100	26
Sixth Rate.			
Bramble	120	70	14
Blackmore	90	50	12
Carnation	100	60	12
Cheſs nut	90	45	10
Cag-way	60	40	8
Cignet	60	40	6

Drake

Ships	*Tuns*	*Men*	*Guns*
Drake	146	70	12
Dolphin	50	25	4
Diver Smack			
Eaglet	60	40	8
Fox	120	70	14
Francis	90	50	10
Griffin	90	50	12
Gift	120	70	12
Hind	60	40	8
Hawk	60	40	8
Harp	60	40	6
Hart			
Hunter	50	30	6
Henrietta Pinnace	65	25	6
Kingsale	90	50	10
Lark	80	50	10
Lilly	60	40	6
Martin	130	70	12
Mary	120	60	12
Mary gold Hoy			Non-

Ships	*Tuns*	*Men*	*Guns*
Nonſuch Catch	60	40	8
Minion			
Paradox	127	70	12
Pearl Brigant	50	25	4
Roe	60	40	8
Roſe	60	40	6
Sparrow	90	60	12
Swallow	60	40	6
True Love	100	60	12
Vulture	100	60	12
Weymouth	120	70	11
Wolf	120	70	16

Beſides the above mentioned Veſſels, there was the New-*Gally*, the *Eagle*, *Stork*, *Violet*, *Oſtridge*, *Church*, and *Elias*, in all 160 ſail.

During

During the late Warre with the *United Netherlands*, *France* and *Denmark*, some of these forementioned Vessels were lost, and since the Peace concluded many have been new built, even this present year, four Ships of the first Rate, and three of the third Rate have been, to His Majesties great expences, built and perfectly finished, or will be within a short time.

All His Majesties *Maritime* Forces are under the Command of the Lord *High Admiral* of *England*, touching whose name Titles, Power, Priviledges, *&c.* See the first part.

The Lord *Admiral* hath under him, many Officers of high and low Condition, some at Sea, others at Land; some of a *Military*, some of a *Civil* capacity;

some

some *Judicial*, others *Miniſteri-al*, ſo that the Dominion and Juriſdiction of the *Sea*, may juſtly be ſtiled another *Common-wealth* or Kingdome apart. *In Mari ſunt Regna diſtincta idque Jure Gentium, ſicut in arida terra*, ſaith *Baldus*, that learned Oracle of the *Civil Law*: And the Lord *High Admiral* of *England*, may fitly be ſtiled or at leaſt reputed as a *Vice-Roy* of the *Maritime* Kingdom of *England*.

The *Vice-admiral* of *England*, is an Officer, to whom next under the High-*Admiral* it belongs, to ſee the *Royal Navy* kept in good repair, the wages of Mariners and Ship-wrights duly paid, and the Ships provided of all things neceſſary for any Expedition.

The

The Narrow Seas about *England*, are also under the Command of some other *Vice-admirals*, who hold their places from the King, and not by any Patent from the Lord *Admiral*; some of these command in the *Eastern Seas* about *England*, and others in the *Western Seas*.

For handling of *Maritime* Affaires, the Lord *High Admiral* hath Courts of his own, whereof that at *London* is the principal or supreme, where all *Proces* and *Proceedings* run in his name, and not in the Kings, as it doth in all common-Law Courts; in this Court comonly call'd the Court of *Admiralty*, he hath a Lieftenant called Judg of the *Admiralty*, who is comonly some learned Dr of the Civil Law, and is at present Doctor *Jenkins*, lately knighted

knighted for his great worth, and now called Sir *Lionel Jenkins*.

The Proceeding in this Court in all *Civil* Matters, is according to the *Civil Law*, becauſe the *Sea* is without the limits of the *Common-Law*: but under the *Admirals* Juriſdiction, therefore the *civil-Law* onely (all Common Law ſecluded) is made uſe of, and, by *Libel* they proceed to the Action, the Plantiff giving Caution to proſecute the Sute, and to pay what ſhall be judged againſt him, if he fail in the Sute, the Defendant on the contrary ſecuring the Plaintiff by ſufficient Surety or caution as the Judge ſhall think meet, that he will appear in Judgment and pay that which ſhall be adjudged againſt him, and that he will ratify and allow all that his Proctor

Proctor shall do in his name, whereby the Clients are well assured to obtain that which by Law, shall be adjudged to them, let the Cause fall on which side soever.

In the *Admiralty* Court of *England* use is made, not onely of the *Civil Laws*, but the Laws of *Rhodes* and of *Oleron*, whereof the former is an Island in the *Mediterranean* Sea, about twenty miles distant from the Continent of *Asia Minor*, and is now under the *Turk*, the Antient Inhabitants whereof, by their mighty Trade and Power at Sea, grew so expert in the Regulation of all Matters and Differences belonging to the Sea, and their Determinations therein were esteemed so just and equitable, that their Laws

in

in ſuch affairs have ever ſince been obſerved for *Oracles*. Thoſe Laws were long ago incorporated into the body of the *Civil-Law*: And the *Romans*, who gave Laws to other *Nations*, and excelled all Nations in making of good Laws; yet for their Sea-affairs, referred all Debates and Controverſies to the Judgment of theſe *Rhodian* Laws.

Oleron, is an *Iſland*, antiently belonging to the *Crown* of *England*, ſeated in the Bay of *Aquitane*, not far from the Mouth of the *Garonne*, where our famous Warriour King *Richard* the *firſt*, cauſed to be compiled ſuch excellent Laws for Sea matters, that in the Ocean Sea *Weſtward*, they had almoſt as much repute as the

Rhodian Laws in the *Mediterranean*: and these Laws were called *La Rool d' Oleron.*

King *Edward* the *third* (who first erected this Court of *Admiralty*, as some hold) made at *Quinborough* 1375. very excellent constitutions concerning maritime affairs, and many Statutes and Ordinances have been made by other Princes, and people, as at *Rome*, *Pisa*, *Genoa*, *Marseilles*, *Barcelona* and *Messina*, yet, that fragment of the *Rhodian* Law, still extant with the Comments thereon by the old *Jurisconsults* inserted in the Pandects, and the Constitutions made by the *Roman* Emperours contained in the *Code*, and in the *Novelles*, still hold the Preeminence.

The Customes and former De-

Decrees of the *English* Court of *Admiralty*, are there of force for deciding of Controverſies. Under this Court, there is alſo a Court of Equity for determining differences between Merchants.

In criminal affairs, which is commonly about Piracy, the proceeding in this Court was by Accuſation and Information, according to the *Civil* Law, by a mans own confeſſion, or eye-witneſſes found guilty before he could be condemned: but that being found inconvenient there were two Statutes made by *H.* VIII. that Criminal affaires ſhall be tryed by Witneſſes, and a Jury, and this by ſpecial Commiſſion of the King to the Lord Admiral; wherein ſome of the Judges of the Realm are

ever Commissioners, and the Tryal according to the Laws of *England*, directed by those Statutes.

Between the Common Law of *England*, and the *Admiralty*, there seemes to be *Divisum Imperium*; for in the Sea, so far as the Low-water Mark is observed, that is counted, *Infra Corpus Comitatus adjacentis*, and Causes thence arising are determinable by the Common-Law, yet when the Sea is full, the Admiral hath Jurisdiction there also (so long as the Sea flows) over matters done between the Low-water Mark, and the Land, as appears in Sir *Henry Constables* Case, 5 Report, *Coke*, p. 107.

For regulating and ordering His Majesties Navies, Ships of Warr, and Forces by Sea, See those

thoſe excellent Articles and Orders in *Stat.* 13 *Car.* 2. c. 9.

Of the Navy Office, *where the whole buſineſs concerning the Kings veſſels of War is managed.*

First, There is the Treaſurer of the Navy, the Earl of *Angleſy*, whoſe office is to receive out of the Exchequer, by Warrant from the Ld Treaſurer of *England*: and to pay all charges of the Navy: by warrant from the principal Officers of the Navy for which he hath ſalary, 220 *l.* 13 *s.* 4 *d.* beſides 3 *d.* in the pound of all moneys paid by him.

This Office is executed, *pro*

tempore, by Sir *Thomas Osburn*, and Sir *Thomas Littleton*, for which there are allowed to each fifteen hundred pounds *per annum*.

Next, the Controller of the Navy, Sir *John Mennes*, whose office is to attend and controll all payments of wages, to know the Market rates of all stores belonging to shipping, to examine and *audit* Treasurers, Victuallers and store-keepers Accounts, *&c.* his Salary is 500 *l.* yearly. This Office is executed at present by the Lord Vicount *Brounker*, the forementioned Sir *John Mennes*, and Sir *Jeremy Smith*, together.

Surveyor of the Navy, Collonel *Thomas Middleton*, whose Office is generally to know the state of all stores, and see the wants

wants ſupplyed: to finde the Hulls, Maſts, Yards, and eſtimate the value of repairs; By Indentures to charge all *Boatswains*, and Carpenters of His Majeſties Navy, with what ſtores they receive, and at the end of each voyage, to ſtate and *audit* their Accounts, his ſalary is 490 *l.*

Clerk of the Acts, *Samuel Pepys* Eſquire, whoſe office is to record all Orders, Contracts, Bills, warrants, and other Buſineſſes tranſacted by the Principall Officers and Commiſſioners of the Navy, &c.

Next the Commiſſioners of the Navy, *viz.* the forementioned Lord *Brounker*, and Sir *Jeremy Smith*. whoſe office is as above ſpecified; and ſalary to each 500 *l.* yearly.

Two other Commiſſioners,

John Tippets and *John Cox* esquires; whose particular work is to be at *Portsmouth* and *Chatham*, alwayes in readiness to give Orders for the better management of His Majsties affairs in his yards or store-houses there: salary to each is 350 *l.* yearly.

Each of these officers above named, have two clerks, and some of them more, all payd by the Treasurer of the Navy: all hold ther Places by Patent from the King, and the most of them during Pleasure.

The King hath for His Navy Royal and stores, four great Yards or store-houses, *viz.* at *Chatham*, *Deptford*, *Woollwich* and *Portsmouth*, where his ships are built repaired and laid up after their voyages. In which yards

yards are employed divers Officers, whereof there are four Principal, whoſe names and ſalaries follow.

Chat. Dep. Wool. Port.

Clerk of the Check	181	108	98	126
Store-keeper.	236	164	128	119
Maſter attendant, 2 *at Chatham*	200	100	100	108
Maſter ſhipwright.	103	113		130
Clerk of the Controll.	100	120	80	80
Clerk of the Survey.	140	102		84

Beſides theſe four Yards, His Majeſty hath divers Rope yards,

as, at *Chatham*, *Woolwich* and *Portsmouth*, where are made all his Cables and Cordarge for his Navy.

Also, in time of a Sea-war, the King hath another Yard at *Harwich*, where there is out of War time continued an Officer at the charges of 100 *l.* yearly.

Yearly Pensions allowed by the King to his Flag-Officers whilest they are at *Land*, out of Employment.

Two Admirals.

	Salaries *l.*
Sir George Askew	250
Sir Thomas Allen	250

Three Vice-Admirals.

Sir Joseph Jordan	200

Sir

	salaries.
Sir Edward Sprag	200
Sir John Herman	200

Three Rere-Admirals.

Riches Utbert,	150
Sir John Kempthorn	150
John Hubbert,	150

All the Fore-mentioned Officers, and the whole Navy Office are governed by the Lord High *Admiral* of *England*: whose Lieftenant *Admiral* is the Earl of *Sandwich*, salary 20*s. per diem*, and 10*s. per menſ.* for each ſervant, whereof he is allowed 16.

Lord *Adm.* Secretary is *Matthew Wren*, eſq. his ſalary from the King is 500*l.* yearly.

All the other under Officers, as well thoſe in the ſeveral yards as

as those belonging to any of His Majesties ships, hold their places by Warrant from the L^d high Admiral *durante beneplacito*.

The ordinary yearly Charge of His Majesties Navy, in times of Peace, continuing in Harbour, is so well regulated, that it amounts to scarce 70000 *l.* besides all charges of building of ships, *&c.* or setting forth any fleets, which some years, even in peaceable times, amounts to 4 or 500000 *l.* more, as may easily be conjectur'd by the charges of building and rigging of ships, and of one months expenses at Sea afore specified.

Of

Of the City of LONDON.

LONDON being the *Epitome* of *England*, the Seat of the Britiſh Empire, the Chamber of the King, and the chiefeſt *Emporium* or Town of Trade in the World; it will not be impertinent to give ſome account thereof.

To deſcribe particularly all things in this City worthy to be known would take up a whole Volumn, therefore, according to the intended Brevity of this *Treatiſe*: here ſhall be inſerted onely τὰ μεγαλεία τῆς πόλεως, *Mag-*

Magnalia Londini, such things as strangers and forreigners commonly count remarkable.

Take then a summary Account of the Name, Antiquity, situation, magnitude, streets, houses, number of Inhabitants, Parish-Churches, Cathedral, Exchange, River, Conduits, Aqueducts, Trade, Government, Publique Halls of Companies; of the Tower, Bridge, Custom-House, Publique Offices, Colledges, Schooles, Hospitals, Work-houses, *&c.*

LONDON, so called, as some conjecture, from *Llongdin* the British word, signifying in the *Saxon* Tongue *Shipton*, or Town of ships: was built as some write 1108 years before the Birth of our *Saviour*, that is 2778 years

years agoe: in the time of *Samuel* the Prophet, and about 356 years before the building of *Rome*.

In the moſt excellent ſituation of *London*, the profound wiſdom of our Anceſtors is very conſpicuous and admirable. It is ſeated in a pleaſant ever green valley; upon a gentle riſing Bank, in an excellent aire, in a wholeſome ſoyle mixt with gravel and ſand, upon the famous navigable River *Thames*, at a place where it is caſt into a *Creſcent*, that ſo each part of the City might enjoy the benefit of the River, and yet not be far diſtant one from the other, about 60 miles from the *Sea*, not ſo near that it might be in danger of ſurpriſal by the Fleets of forreign enemyes, or be annoyed by

by the boysterous Winds and unwholesome Vapours of the Sea; yet not so farre but that by the help of the Tide every twelve hours, all Commodities that the Sea can afford may by ships of great burden be brought into her very bosome, nor yet so farre, but that it may injoy the milder, warmer Vapours of the Eastern, Southern and Western Seas; yet so farre up in the Country as it might easily partake of all the Country commodities: in an excellent air, upon the North side of the River (for the Villages seated on the South-side are noted to be unhealthy, in regard of the Vapours drawn upon them by the Sun) burroughed by gentle hills from the North and South Winds.

The High-waies leading from all

all parts to this Noble City are large, ſtraight, ſmooth and fair. no Mountaines nor Rocks, no Marſhes nor Lakes to hinder Carriages and Paſſengers, ſo that as Corn may eaſily be brought, and Cattel commodiouſly driv'n unto it by Land, ſo thoſe heavy though neceſſary commodities, Hay and Fuel are more cheaply conveyed by water: in a word, all the bleſſings of Land and Sea, and by the benefit of ſhiping, all the bleſſings of the Terreſtrial Globe may be ſaid to be here injoyed, above any City of the world.

The City of LONDON with its Suburbs and places adjacent, is of a vaſt extention: From *Lime Houſe*, meaſured to the end of *Tothill*, or *Tuttel* ſtreet, from Eaſt to Weſt, is above 7500

7500 geometrical paces, that is, above 7 Englisſh miles, and a half: and from the farther end of *Blackmanſtreet* in *Southwark*, to the end of Saint *Leonard Shoreditch* is 2500 paces, or 2 miles and a half.

In this great City, the ſtreets lanes and allyes, as they are called, are in number above 500, and yet, ſome of them above half a meaſured mile in length: Dwelling houſes, before the late Dreadfull Fire, were computed onely within the Walls, above fifteen thouſand, and that was acounted but a fifth part of the whole City, as may be judged by the Weekly Bills of Mortality.

The Buildings, eſpecially of late years, are generally very fair and ſtately: but within the City,

ty, the ſpacious Houſes of Noble men, rich Merchants, the Halls of Companies, the fair Taverns are hidden to Strangers, by reaſon that they are generally built backward, that ſo the whole room towards the ſtreet might be reſerved for Tradesmens ſhops. If they had been all built toward the ſtreet, as in other Countries, no forreign City would, even in this particular, much ſurpaſs *London*; Yet, if a Stranger ſhall view Lincolns-Inne fields, Southampton Buildings, Covent Garden, St James Fields, Hatton-Garden, Cheap-ſide, Lumbard ſtreet, &c. He muſt confeſs that for fair *Piazza*'s or Places, for ſtately uniform buildings, for ſpatious ſtreight ſtreets, there is ſcarce

ſcarce the parallel in *Europe*.

That the Reader may the better gueſs at the number of Inhabitants, or humane Souls, within this great City, he muſt know, that in one year there were computed to be eaten in *London*, when it was leſs by one fourth part, 67500 Beefs, ten times as many ſheep, beſides abundance of Calves, Lambs, Swine, all ſorts of Poultry, Foul, Fiſh, Roots, Milk, *&c.* Alſo that *communibus annis* to ſupply *London* with *New-Caſtle Coal*, there is brought into the River of *Thames* two hundred and ſeventy thouſand Chaldron, and every Chaldron is 36 Buſhels.

Again, the number of Inhabitants may be gueſſed at by the Burials and Births in *London*, which, in ordinary years, when there

there is no *Peſtilence*, amount of late to fifteen or ſixteen thouſand in a year, three times more then in *Amſterdam*.

As alſo by the quantity of Beer drank in *London* in a year, which to all Forreiners will be incredible, for in the year *1667*. according to exact Computation, there was brewed within that year in *London*, four hundred fifty two thouſand five hundred ſixty three Barrels of ſtrong Beer, ſold at *12 s. 6 d.* the Barrel, and five hundred and eighty thouſand four hundred twenty one Barrels of Ale, ſold at *16 s.* the Barrel, and four hundred eighty nine thouſand ſeven hundred ninety ſeven Barrels of Table Beer, or ſmall Beer, ſold at *6 s. 6 d.* the Barrel. The Beer ſtrong and ſmall is *36* Gal-

Gallons to the Barrel, and the Ale 32 Gallons to the Barrell.

It is true, that some hereof is transported beyond the Sea, but that is scarce considerable.

Besides all this Beer and Ale, there is consumed in *London* a vast quantity of French and Spanish wines, much Rhenish-wine, Coffee, Chocolatte, Brandy and other Drinks.

The *Excise* onely of Beer and Ale for the City of *London* (though it be a very moderate Imposition) is farmed or rented of the King at above one hundred and twenty thousand pounds a year, and about one fourth part of all that Excise throughout *England*.

Parish Churches, besides Chappels there were in all 130.

that

that is double the Number of Churches parochial to be found in any City in the World, the Mother Church whereof is dedicated to the memory of Saint *Paul* (the onely Cathedral of that Name in *Europe*) and founded by *Sebert* a *Saxon* King, about the year 610. in a place where had ſtood a Temple dedicated to *Diana*, and afterward enlarged by *Erkenwald* the 4th *Saxon* Biſhop thereof; and that old Fabrick being almoſt deſtroyed by fire, *Mauritius* another Biſhop of *London*, in 1083. began and finiſhed a great part of the preſent magnificent Pile, in the ſpace of 20 years, but the Quire and Tower were not finiſhed till 1221. and then it was dedicated in a moſt ſolemn manner (as was the Temple of *Solomon*

lomon) the King, the Bishops and a vast number from all Parts of the Nation assisting thereat:

It is seated on the highest part of all the City, and was more conspicuous then any Church in the World; it was a structure for length, height and antiquity surpassing all other Churches; the length thereof was 690 foot long (therein excelling by 20 foot, St. *Peters* in *Rome*, which for beauty, proportion and divers other things excells all other Temples) it was in height 102 foot, and in breadth 130. The Church was built as other Cathedrals, in a perfect Cross, and in the midst of the Cross, upon mighty high arches, was a Tower of Stone 260 foot high, and on that a spire of Timber covered with Lead, in height 260 foot

foot more, in all from the ground 520 foot; above which was a Bole of Copper gilt, of 9 foot in compaſs, whereon ſtood the Croſs, 15 foot and a half high, and almoſt 6 foot acroſs, made of oak, covered with lead, and another cover of Copper over the Lead; above all ſtood the Eagle or Cock of Copper gilt, four foot long, and the breadth over the Wings 3 foot and a half.

In the year 1561. a part of this magnificent Pile was much waſted, and the reſt endangered, by a fire begun in that ſtately timber Spire by the negligence of a Plummer, who left his Pan of fire there, whileſt he went to Dinner, as he confeſt of later years on his death bed: but by the great Bounty and Piety of

Queen *Elizabeth*, of the Citizens of *London*, and of all the Clergy of the Province of *Canterbury* it was again repaired, in the ſpace of 5 years: after which the ſtone-work decaying apace by reaſon of the corroding quality of the abundance of Sea-coal ſmoak, the learned and pious Doctor *Laud* coming to be Biſhop of *London*, and after of *Canterbury*, was ſo zealous and vigorous, for upholding this moſt antient Church and ſtately monument of *England*, and glory of the City of *London*, that by the Kings favour, and liberal contribution of Godly people (maugre all oppoſition of the *Puritans*) the work was ſo eagerly purſued, that before the year 1640. the whole body was finiſht with *Portland* ſtone, excellent againſt

againſt all ſmoak and weather, and the Tower ſcaffolded up to the top, with a purpoſe to take it all down, and to rebuild it more fair and of a greater height, with a ſtately pinnacle at each corner, becauſe the Arches were not thought ſtrong enough to ſupport another ſteeple, and to place in that Tower the biggeſt and moſt tunable Bells in the world; for performance whereof and for adorning the Church, there was in the Chamber of *London* above one hundred and ſeventy thouſand pounds, all taken out ſoon after and employed in an unnatural War, by a ſtiff neck'ed people; againſt the beſt of Kings, in which one ſingle Act, a great part of the Citizens of *London*, and of the Long Parlement be-

came deeply guilty of a horrid Rebellion, and deteſtable Sacriledge.

After the murder of the forementioned Arch-Biſhop, the skaffolds were taken away and ſold with ſome of the Lead which covered this famous ſtructure, and this Houſe of God made a ſtable for horſes by the the diſloyal Army, and almoſt all ſuffered to decay, till the Reſtauration of the King, who having a pious intent to ſet upon the Repair thereof again, it was all ruined by the late dreadful Conflagration in 1666. which yet hath not ſo diſcouraged Our Gracious King, and the reſt of our Church Governours, but that in a ſhort time they intend to begin again the Repair of the Mother Church of the Mother City

City of this Kingdome, to the Glory of God, and high honour of this City and Nation, for the ſpeedy promoting whereof both King and Parlement, City and Country, Clergy and Laity, High and Low ſeem to ſtand engaged, to lend their Aid and aſſiſtance.

Of the ſoremention'd Fire that was able to deſtroy ſuch a vaſt ſolid ſtructure, as the Cathedral of St. *Paul*, a brief Account may here be acceptable, eſpecially to Forreiners who have had imperfect relations thereof.

THe City of LONDON within the Walls was ſeated upon, near 460 Acres of ground, whereon was built about 15000 houſes, beſides Churches,

ches, Chappels, Halls, Colledges, Schooles and other publick buildings, whereof about four parts of five were utterly devoured in the late dismal Conflagration, and about one part of five, of the whole City and Suburbs, counting therein *Westminster* and *Southwark*: there were then destroyed 87 Parochial Churches, six consecrated Chappels, all the principal publick Edifices, as the forenamed Cathedral of St. *Paul*, the Great Guild Hall, wherein are held nine several Courts belonging to the City: the Royal Exchange, the Custome-house, most Halls of Companies, *&c.* whereof the whole dammage is almost incredible:

In that one Commodity of Books onely, wherewith *London* aboun-

abounded, was loſt, as judicious Stationers have computed, one hundred and fifty thouſand pounds, for the loſs fell moſt upon that, and three or four other cumberſome commodities, not eaſy, on a ſudden to be removed, *viz.* Wines, Tobacco, Sugars and Plums, wherewith this City was furniſhed beyond any City in the World. Yet, in this vaſt Incendy, not above 6 or eight perſons were burnt: Of this dreadful Fire there were many concurrent occaſions. Firſt, the Drunkenneſs or ſupine Negligence of the *Baker*, in whoſe Houſe it began, or of his men. Next, the dead time of the night, wherein it began, *viz.* between one and two of the Clock after Midnight, when ſome were wearied

with working, others filled with drink, all in a dead sleep. Thirdly, The dead time of the week, being Saturday night, when Traders were retired to their Country houses, and none but children or young servants left behind. Fourthly, the dead time of all the year, being then the long Vacation, on the 2d of *September*, when Tradesmen were generally abroad in the Country, some in the remotest parts of *England*, to fetch in their Debts. Fifthly, the Closeness of the Buildings in that place, facilitating the progress of the Fire, and hindring the usual Remedy which was by Engines to shoot water. Sixtly, the matter of the Buildings thereabouts, which was generally wooden, and of old Timber.

Se-

Seventhly, the long continued drought of the preceeding Summer, even to that day. Eighthly, the matter of wares in those parts, where were the greatest Magazins and Storehouses of Oyles, Pitch, Tarr, Rozin, Wax, Butter, Brimston, Hemp, Cordage, Cheese, Wine, &c. Ninethly, an Easterly wind, the dryest of all other that had continued long before, and then did blow very strongly. Tenthly, the unexpected failing of the water, the Thames water-Tower then out of order, and burnt down, immediately after the beginning of the fire, so that most water-pipes were soon dry. Lastly, an unusual negligence at first, and a confidence of easily quenching the fire, on a sudden changed into

a general consternation and despondency, all people chooſing rather by flight to ſave their Goods then by a vigorous oppoſition to ſave their Houſes and the City. Theſe Cauſes thus ſtrangely concurring, (to ſay nothing of GODS juſt Anger, for the notorious impenitency of the Citizens, for their abetting and inſtigating the ſhedding of the innocent blood of Gods Anointed, and of their chief Governours both in Church and State, for their ſtill going on in their old haynous ſins of *deſpiſing Dominions and ſpeaking evil of Dignities*, till there was no remedy) thoſe forementioned Cauſes ſo wonderfully concurring by a general prodigious Conflagration did make a greater Spoil in the ſpace

ſpace of three days, *viz.* from *Sunday* morning to *Wedneſday* morning, then three or four Armies unreſiſted could probably have done in twice the time, for (to give the Reader ſome little proſpect of the huge Dammages done by this Fire) it hath been computed by an ingenious perſon, that there were burnt in all within the Walls of this City 12000 houſes, and and without the Walls 1000 houſes, all which valued one with another, at no more then 25 *l.* yearly Rent, which at the low Rate of 12 years purchaſe, will amount in the whole to three Millions and nine hundred thouſand pounds ſterling. Then the 87 Pariſh Churches, the moſt ſpatious Cathedral Church of St. *Paul*, ſix conſecrated Chap-

Chappels, the Royal Burse or Exchange, the great Guild Hall, the Custome-house, the many magnificent Halls of Companies, the several principal City Gates, with other publick Edifices, may well be valued at two Millions.

The Wares, Houshold-stuff, Moneys, and other movable goods lost and spoyled by the Fire, may probably amount to two millions of pounds, some say much more.

The money spent in a general removing of Wares and Goods during the Fire, and bringing them back afterward, in the hire of Boats, Carts and Porters, may be well reckoned, at the least, two hundred thousand pounds; the Total whereof is nine Millions, and nine hun-

hundred thouſand pounds, which reduced into French Money will amount unto one hundred twenty eight Millions and ſeven hundred thouſand *Livres Tournois*. And yet, the Citizens recovering, after a few months, their Native Courage, have ſince ſo chearfully and unanimouſly ſet themſelves to rebuild the City, that within the ſpace of four years, they have erected, in the ſame ſtreets, ten thouſand houſes, and laid out for the ſame, three Millions of Pounds ſterling, counting but 300 *l.* a houſe one with another: (beſides whole ſtreets built and now building in the Suburbs by others:)and as if the late Fire had onely purged the City, the Buildings are become infinitely more beautiful, more commodi-

ous

ous and more solid (the three main vertues of all Edifices) then before, nay, as if the Citizens had not been any way impoverish't but rather enrich't by that huge Conflagration, they may be said to be even wanton in their Expences upon the stately Italian *Facciata's* or Fronts of their new Houses, (many of *Portland* stone, as durable almost as *Marble*) upon their richly adorned Balconies, Signs, Portals, &c. They have made their streets much more large and streight, and whereas, before they dwelt in low, dark, deform, *wooden* cottages, they now live in lofty, lightsom, uniform *Brick* buildings, so that although Our gracious King cannot say of this His Capital City, as one of the Emperours said of *Rome*, *Lateritiam*

ritiam inveni, Marmoream reliqui, yet he may ſay of it, what is almoſt equivalent, *Ligneam inveni, Lateritiam reliqui.* And of a Principal Structure of this City, the Royal Exchange, His Majeſty may ſay, *Lateritiam inveni, ſaxeam reliqui:* whereof take here this following brief Account.

THe former Burſe began to be erected in the year *1566.* juſt one hundred years before it was burnt: it was built at the coſt and charges of a noble Merchant Sir *Thomas Greſham*, and in a ſolemn manner by a Herald and Trumpet, in the preſence and by the ſpecial Command of Queen *Elizabeth*, proclaymed and named the *ROYAL EXCHANGE:* it was built moſt

most of Brick, and yet was the most splendid Burse (all things considered) that was then in *Europe* (before the building whereof the Burse for Merchants was kept in *Lumbard*-street.)

Now it is built within and without of the forementioned excellent stone, with such curious and admirable Architecture that it surpasseth all other Burses, *Quantum lenta solent inter Viburna Cupressus.*

It is built Quadrangular, with a large Court, wherein the Merchants may assemble, and the greatest part, in case of rain or hot Sun-shine, may be sheltered in side Galleries. The whole Fabrick cost about fifty thousand pounds, whereof one half is disbursed by the Lord Mayor and Aldermen, and the other

other half by the Company of *Mercers*: and to reimburſe themſeves, there will be let to hire 190 ſhops above ſtairs, at 20 *l.* yearly rent each, and 30 *l.* for fine, beſides the ſeveral ſhops below, on the Eaſt and Weſt ſides, and the huge vaulted Cellars underground, ſo that it will be the richeſt piece of ground, perhaps, in the whole world, for, according to exact dimenſions, the Ground whereon this goodly Fabrick is erected, is but 171 foot from North to South, and 203 foot from Eaſt to Weſt (for it is *Quadratum oblongum*) ſo that it is but very little more then three quarters of an Acre of Ground, and will produce above 4000 *l.* yearly Rent.

The

The River whereon is seated this Great City, for its breadth, depth, gentle, streight, even course, extraordinary wholesome water and Tides, is more commodious for Navigation then, perhaps any other River in the World. The Sea flows gently up this River, 80 miles, that is, almost to *Kingston*, 12 miles above *London* by Land, and 20 by water, bringing the greater Vessells to *London*, and the smaller beyond, then against the Stream, boats are drawn to *Oxford*, and higher many miles.

It is high water at this City as oft as the Moon comes to the North East and South West points of Heaven, the one in our Hemisphere and the other in the other Hemisphere. The highest

higheſt Tides are upon a Land Flood, the Wind North-weſt, at the Equinoctial, and the Moon at Full: when theſe four cauſes concurre (which is very rare) then the *Thames* ſwells in ſome places over its Banks, and *Weſtminſter*, is a little endammaged in their Cellars, not in their Chambers and upper Rooms, as the City of *Rome* ſometimes is by the overflowing of the *Tiber*, and *Paris* by the *Seyne*.

This River opening Eaſtward towards *Germany* and *France* is much more advantageous for Traffick then any other River of *England*. To ſay nothing of the variety of excellent Fiſh within this River, the fruitful flat ſoil, the pleaſant rich meadows, and innumerable ſtately Palaces on both ſides thereof;

in

in a word, the *Thames* seems to be the very Radical moisture of this City, and in some sense, the natural Heat too, for almost, all the Fuel for firing is brought up this River from *Newcastle Scotland, Kent, Essex*,&c.

From this River, the City by water Engins is in many places supplyed with excellent wholesome waters also from almost twenty Conduits of pure Spring water; and moreover, by a New River, brought at a vast Charge and exquisite skill (by Sir *Hugh Middleton* who deserves his Statue in Brass) from *Amwell* and *Chadwell*, two Springs near *Ware* in *Hartfordshire*, from whence, in a turning and winding course, it runs 60 miles, before it reaches this City; In some places the chanel is ne-

cef-

ceſſarily thirty foot deep, in other places it is carried over valleys more then twenty foot high above ground, in open Troughs. Over this New River are made eight hundred Bridges, ſome of Stone, ſome of Brick, and ſome of Wood: ſix hundred men have been, at once, employed in this great work. It was begun 1608. and finiſhed in 5 years. It ſerves the higheſt parts of *London* in their lower Roomes, & the lower parts in their higheſt Rooms.

The vaſt Traffick and Commerce whereby this City doth flouriſh, may be gueſſed at chiefly by the Cuſtoms which are paid for all merchandiſe imported or exported, which are but very moderate Impoſitions in compariſon of the Impoſts

posts of most other Countryes of *Europe*, and yet the Customs of the Port of *London* amount to near three hundred thousand pounds a year: the infinite number of Ships, which by their Masts, resemble a Forrest as they lye along this stream, besides many that are sent forth every year to carry and fetch commodities to and from all parts of the known world, whereby it comes to pass, that no small number of Merchants of *London*, for wealth, for stately houses within the City, for Winter, and without, for Summer, for rich Furniture, plentiful Tables, and honourable living, *&c.* excell some Princes in divers of our neighbour Nations. Moreover, one may conjecture at the huge Com-

Commerce by the infinite number of great well furniſhed ſhops; which a *Spanyard* once obſerving, together with the great number of Law ſutes, in Term time, made this report of *London* to his Country men, that it was indeed a great City, but made up of nothing but *Tiendas y Contiendas*, Shops & Sutes: whereas he might rather have ſaid more truly, in a few more words, *viz.* that *London* is a huge Magazin of Men, Money, Horſes and Ammunition of all Sorts of Commodities neceſſary or expedient for the uſe or pleaſure of mankind: that *London* is the mighty Rendevous of Nobility, Gentry, Courtiers, Divines, Lawyers, Phyſitians, Merchants, and all kinds of excellent Artificers, of the moſt refined

fined Wits and most excellent Beauries; for it is observed that in most Families of *England*, if there be any Son or Daughter that excells the rest in Beauty or Wit, or perhaps Courage or any other rare quality, *London* is their *North star*, and they are never at rest till they point directly thither.

The Government of this City, considering the greatness and poplousness thereof is very admirable, and might take up a Volume in the description thereof.

The Ecclesiastical Government is by a Bishop, was in the time of the *Britains* by an Archbishop but when it became Subject to the *Saxons*, the Archiepiscopal Sea, was placed at *Canterbury*, not because that was the

the more worthy City, but for the ſake of Saint *Auſtin* who firſt preacht the Goſpel there to the Heathen Saxons, and was there buried. Since which time it hath been under a Biſhop above ſix Centuries and a half, in a continual ſucceſſion, in which ſpace there are reckoned 99 Biſhops of *London* to the Preſent worthy Biſhop thereof, the grave learned Pious Divine Doctor *Humphry Henchman* conſecrated Biſhop of *Salisbury* 1660. and tranſlated to *London* 1663. To his Cathedral alſo belongs a Dean, a Chanter, a Treaſurer and Thirty Prebendaries, all perſons of worth.

For the Eccleſiaſtical Government of the ſeveral Pariſhes there are placed many excellent Divines, that have the Cure of

Souls, a Rector or Vicar for every Parish, and these have for a long time had the repute of the most excellent way of Sermonizing in Christendom, in somuch as divers Divines of forreign Reformed Churches have come hither on purpose to learn their manner of haranguing in the Pulpit.

For maintaining these Divines with their families there is in every Parish a Parsonage or Vicaridg house, and in most a competent allowance in Tithes. Antiently the Parsons due in *London*, besides the Tithes of the Trades mens Gaines and Mortuaries Obits, *&c.* was 3 *s.* 5 *d.* in the pound of the yearly Rent, of all Houses and shops; and this was paid as Offerings on Sundayes and Holydayes onely a half peny

for

for each pound, whereby the Parishioners did hardly feel it, although the Sundayes and Holy-dayes were so many that in a whole year it amounnted to 3 *s.* 5 *d.* in the pound. Afterwards many Holy dayes being taken away, and the Clergy Means thereby abated, it was ordained 25 *H.* 8. that 2*s.* 9d. in the pound of all Rents of houses and shops should be paid yearly to the Parson, whereunto the *Londoners* did not onely consent (as they had good reason, it being much less in the pound then before) but bound themselves by an Act of Comon-council to perform the same, and the said Ordinance was confirmed in Parlement 27 *Hen.* 8. and again 37 *Hen.* 8. with a power given to the Lord Mayor to commit to

priſon any Citizen that ſhould refuſe to pay his Tythes and Dues according to that proportion. But ſince the Reformation, many men willing to think Tythes a rag of Popery, or elſe making no Conſcience of robbing God, have deviſed many baſe and fraudulent wayes by double leaſes, by great Fines and ſmall Rents and ſeveral other wayes to cheat the Law and their God, *Mal.* 3. 8. complaint whereof being made to King *James* 1618. it was declared in his Court of *Exchequer* by the *Barons* there, that the Inhabitants of *London*, and of the Liberties thereof, ought ſtill (according to the forementioned Acts) to pay 2 *s.* 9 *d.* in the pound, according to the true yearly value of the Rent of their

their houſes and ſhops from time to time; but the Citizens (who think 2000 *l. per annum.* not enough for an Alderman or for a Lawyer: and yet 200 *l.* too much for a Paſtor of a Pariſh) oppoſing the ſame, the buſineſs lies yet uneſtabliſhed, to the great diſhonor of the Reformed Religion.

The Civil Government is not (as it is at *Paris*, *Rome*, *Madrid*, *Vienna*, and other Capital Cities) by a chief Magiſtrate, ſome Nobleman ſet over the City by the King or Supreme Governor; or, as it was here, in the time of the *Romans*, when the chief Magiſtrate was called (as it is ſtill at *Rome*) the *Prefect* of *London*, or, as it was in the Time of the *Saxons*, when he was called the *Port-*

greve that is *Custos* or *Guardiaan*, and sometimes *Provost* of *London*, but after the coming in of the *Normans*, the chief Magistrate was called *Bailive* (from the French word *Bailler*, *tradere*, *committere*) that is *Commissarius*, or one that hath Commission to govern others, and there were sometimes two *Bailiffs* of *London*, till King *Rich.* I. *Anno* 1189. changed the name of *Bailliff* into *MAYOR*, which also, being derived from the French, hath continued ever since, unless sometimes for the disloyalty of the Citizens, their Priviledges and Franchises have been taken from them, and a Guardian set over them, as was done by *Hen.* III. and *Edw.* I.

Of later times, the Mayor of *London*, though alwayes a Citi-

zen

zen and Trades-man hath been of ſuch high repute and eſteem that in all writing and ſpeaking to him, the Title of *Lord* is prefixt, which is given to none others but either to a Peer of the Parlement, or to ſome of the higheſt Officers of the Realm. He is alſo for his great Dignity uſually knighted by the King, before the year of his Mayralty be expired.

His Table is, and alſo the Table of each Sheriff, ſuch, that it is not onely open all the year to all commers, ſtrangers and others, that are of any quality, but, ſo well furniſhed, that it is alwayes fit to receive the greateſt Subject of *England*, or of other Potentate; nay, it is recorded, that a Lord Mayor of *London* hath feaſted four

Kings at once, at his Table.

His domestick Attendance is very honorable, he hath seven officers that wait on him, who are reputed Esquires by their places, that is, the Sword-bearer, the Common Hunt, who keepeth a gallant kennel of hounds for the Lord Mayors Recreation abroad; the Common Cryer, and four Water Bailiffs. There is also the Coroner, 3 Sergeants Carvers, 3 Sergeants of the Chamber, a Sergeant of the Channel, 4 yeomen of the Water-side, one under-water Bailiff, two yeomen of the Chamber, three Mealweighers, two yeomen of the Wood-wharfs, most of which have their servants allowed them, and have liveries for themselves.

His

His State and magnificence is remarkable, when he appears abroad, which is usually on Horse back with rich caparison, himself alwayes in long Robes, sometimes of fine skarlet cloth richly furred, sometimes Purple, sometimes Puke, with a great Chain of gold about his neck, with many Officers walking before, and on all sides of him, &c. but more especially on the *29th* of *October* when he goes to *Westminster* in his Barge, accompanied with all the Aldermen, all his Officers, all the several Companies or Corporations in their several stately Barges, with their Armes, colours, and streamers, and having there in the Exchequer Chamber taken his solemn Oath to be true to the King,

returns in like manner to Guild Hall, that is the Great Common Hall of Guilds or incorporated Confraternities, where is prepared for him and his Brethren a moſt ſumptuous Dinner, to which many of the great Lords and Ladies of the Land are invited.

This great Magiſtrate upon the Death of the King, is ſaid to be the prime Perſon of *England*; and therefore when King *James* was invited to come and take the Crown of *England*, *Robert Lee*, then Ld MAYOR of *London* ſubſcribed in the firſt place, before all the great officers of the Crown, and all the Nobility.

He is uſually choſen on *Michaelmas* day, out of the 26 Aldermen, all perſons of great wealth and wiſdom. His

His Authority reaches not only all over this great City and a part of the Suburbs, but alſo on the famous River of *Thames* Eaſtward, as far as *Yendale* or *Yenleet*, and the mouth of the River *Medway*; and Weſtward, as far as *Colny* ditch above *Staines* Bridg. He hath power to puniſh and correct all that ſhall annoy the Stream, Banks or Fiſh, only the Strength and Safety of the River againſt an Invaſion, and ſecuring Merchandiſing and Navigation by Block-houſes, Forts or Caſtles is the Care of the King.

To the Lord Mayor and the City of *London* belong divers Courts of Judicature of high importance. The higheſt and moſt antient Court is that called the Huſtings (*i. e.*) *Domus Cau-*

Causarum, which doth preserve the Laws, Rights, Franchises, and Customs of the City. There is a Court of Requests or Conscience. The Court of the Lord Mayor and Aldermen, where also the Recorder and Sheriffs sit. Two Courts of the Sherifs, one for each Counter. The Court of the City Orphans, whereof the Mayor and Aldermen have the custody. The Court of Common Council consisting (as the Parliament of *England*) of two Houses, one for the Lord Mayor and Aldermen, and the other for the Commoners: in which Court are made all By-laws which bind all the Citizens of *London*; for every man either by himself, or by his representative gives his Assent thereunto, wherein consists

fists the great happiness of the English Subject above all the Subjects of any other Prince in the world, that neither in Laws nor By-laws, neither in Taxes or imposts, any man is obliged, but by his own consent. There is another Court of the Chamberlain of the City, to whom belongs the receipts of the Rents, and Revenues of the City, and to his Court the business of Apprentices, over whom he hath a great authority. To the Lord Mayor also belongs the Courts of Coroner, and of Escheatour, and another Court for the conservation of the River of *Thames*. Lastly, the Monthly Court of Goal-delivery at the *Old-Baily*, both for the City and *Middlesex*, for the Tryal of Criminals, whereof the

the Lord Mayor is the chief Judge, and hath power of reprieving condemned persons.

There are other Courts called Wardmote, or the meeting of Wards, whereof there are 26 in the whole City: In which Court inquiry is made into all things that can conduce to the regulating and well governing of the City. Also the Court of Hall-mote, or Assembly of every Gild or Fraternity for regulating what belongs to that Company.

The Traders of *London* are divided into Companies, or Corporations, and are so many Bodies Politique: of these there are 12, called the chief Companies, and he that is chosen Ld Mayor must be free of one of these Companies, which are 1. Mercers, 2. Grocers, 3. Drapers, 4. Fishmongers.

mongers, 5. Goldſmiths, 6. Skinners, 7. Merchant-Taylors, 8. Haberdaſhers, 9. Salters, 10. Ironmongers, 11. Vintners, 12. Clothworkers: All which Companies have Aſſembly-places called Halls, which are ſo many Baſilikes or Palaces, and many of them worthy to be viewed by all Strangers. It hath been the cuſtom of ſome of our Kings to honor ſome of theſe Companies by taking their freedom thereof; and the preſent King was pleaſed to be made free of the Company of Grocers.

There are beſides near 60 other Companies, or Corporations, all enjoying large Privileges by the Kings gracious Charter granted unto them.

For the ſecurity and defence of this famous City and River, there

there have been antiently divers Fortresses; but that called by the antient Saxon word, the *Tower* of *London*, hath been eminent above all others. It is not only a Fort or Cittadel, to defend and command both City and River, but a Royal Palace, where our Kings with their Courts have sometimes lodged: a Royal Arsenal, where are Arms and Ammunition for 60000 Souldiers; the Treasury for the Jewels and Ornaments of the English Crown; the only Mint for coyning of Gold and Silver; the great Archive where are conserved all the Records of the Courts of *Westminster*; the chief Prison for the safe custody of great Persons that are Criminal: In short, if the great extent thereof within the Walls be considered, and its authority

ove

over the ſeveral Hamlets without, and the many high Priviledges and Liberties belonging thereto, it may rather be reputed a City then a Citadel.

The Tower of *London* is out of all County or Pariſh (only a ſmall part, ſome hold to be, in *Middleſex*) is a liberty of it ſelf, exempt from all Taxes to the King, to the Church, or to the Poor. It hath a Parochial Church, exempt from all Eccleſiaſtical Juriſdiction of the Archbiſhop, and is a Donative beſtowed by the King without Inſtitution or Induction. There are 13 Hamlets in ſeveral Pariſhes, of large extent, belonging to the Tower, whoſe Trainbands are all bound to aſſiſt the Conſtable or Lieftenant of the Tower, they are all called the Kings

Kings Company, are to wait on the Kings person in time of need, and to goe no farther then the King.

Within the Tower is kept the Office of Master of the Ordnance, called in *France*, *le grand Maistre de l' Artillerie* (so called ab *Arte telorum mittendorum*) and hath been alwayes an Office of great Account and Importance, commonly conferred on persons of great eminency and integrity. It hath the ordering of that grand Magazin there lodged, wherein, and at the *Minories*, *Woolwich* and *Chatham* is Ammunition at all times for as many Land and Sea forces as may not onely defend *England*, but be formidable to all our Neighbours.

The Place of Master of the Ord-

Ordnance, is, since the death of that accomplished Gentleman, Sir *Will. Compton*, executed by Commissioners, *viz.* by the Lord *John Berkly*, now Lord Lieftenant of *Ireland*, Sir *John Duncomb* Knight, and *Thomas Chichely*, esquire.

Lieftenant of the Ordnance, is *David Walter* esquire, and Groom of His Majesties Bed-Chamber, and the Pay-master is Captain *George Wharton*; Surveyor, is *Jonas More*, esquire; Keeper of the Stores, is *Richard March*, esquire. Clerk of the Ordnance is *Edward Sherborn*, esquire; Clark of the Deliveries, is *George Clerk*, esquire. Under which several Officers, there are many officers and servants, for brevity sake to be passed over.

The

The forementioned Commissioners have the Charge and superintendence of all Ordnances, Armes Offensive, Ammunition of War by Sea and Land.

The Lieftenant of the Ordnance is Treasurer, doth receive and disburse all moneys touching this Office.

The Surveyor of the Ordnance doth supervise all Armes.

Clerk of the Ordnance is to record all Orders touching that Office.

Keeper of the Stores is to have the custody of all the Arms offensive.

Clerk of the Deliveries takes Indentures for all stores issued out.

All these hold by Patent immediately from the King.

All

All Inferiour Officers and Artificers places are in the gift of the Master, or Commissioners of the Ordnance.

Moreover in the Tower is kept the Office of Warden of the Mint, where onely, of later times, is minted all the Bullion that is minted in *England*.

The Warden of the Mint is a very considerable Charge, and is at present Sir *Anthony St. Leger*.

Master Worker, is *Henry Slingsby*, esquire. Comptroller is *James Hoare*, esquire. These hold by Patent of the King.

Assay Master to try the pureness of the Mettal, is Mr. *John Brittle*.

Surveyor of the Meltings and Clerk of the Irons, is Mr. *Thomas Swallow*.

There

There is moreover a Weigher, a Teller, and a Graver; All which five last named Officers hold also by Patent from the King; but are to be approved by the three first commissioned Officers, in whose Custody is all money or Bullion brought in by the Subject.

There are besides many other inferiour Officers and servants belonging to the Mint.

The Office of His Majestie's Records kept in the Tower of *London*, is of venerable Antiquity, and the place of Keeper and Deputy of the same dignified with special trust, whereof Sir *Algernon May*, Knight, is at present the Keeper, salary 500*l. per annum*, and *William Ryley*, esquire, of the Inner Temple, is deputy thereof.

This

This place is properly in the Master of the Rolls his gift, and then His Majesty by His Letters Patents hath usually confirmed it.

As the Chappel of the Rolls in Chancery Lane, and Petty Bag Office doth fill with Records out of other Offices, they are transmitted into the Tower after some years, for it hath been the wisdom and care of former ages, to send the Records of several Courts to the Tower, for their preservation and safety, not onely as a Policy of State, but the particular Interest of all men, having estates requiring it, there being many precedents for it, remaining in the Records of the Tower, and a particular forme of a Writ to send the Records in the Chappel of the Rolls

Rolls to the Tower of *London*; The Records of the Tower (amongst other things) containing the foundations of *Abbys* and other Religious houses, and the Records in the Rolls) contain the dissolution of those Abbyes, and the donation of the lands, of which many families are now possest, and if those Records were all in one place, the people might have access unto them, all under one and the same search and charge, which would be a great ease and benefit to the people, and a safety to the Records of this Nation.

Besides, these Records at the Rolls being joyned to those in the Tower, will make a perfect continuance of all the antient Rights of the *English* Nation, which

which are now ſet forth in the Records of the Tower, whereof theſe following are a few heads or particulars of them, *viz.*

The Leagues of forreign Princes, and the Treaties with them.

And all the Atchievements of this Nation in *France* and other forreign Parts.

The Original of all the Laws that have been Enacted or Recorded untill the Reign of *Richard* III.

The homage and dependency of *Scotland* upon *England*.

The Eſtabliſhment of *Ireland* in Laws and Dominions.

The Dominion of the *Britiſh* Seas, totally excluding both the *French* and *Hollander* to fiſh therein, without Licence from

England, proved by Records before the Conqueſt.

The Intereſt of the Iſle of *Man*, and the Iſles of *Fernſey*, *Garnſey*, *Sark* and *Alderny*, being the remaining part of the *Norman* poſſeſſion.

The Title to the Realm of *France*, and how obtained.

And all that the Kings or Princes of this Land, have untill that time done abroad, or granted or confirmed unto their Subjects at home or abroad.

Tenures of all the Lands in *England*, Extents or Surveyes of Mannours and Lands, Inquiſitions, *poſt mortem*, being of infinite advantage upon tryals of Intereſt or Deſcent.

Liberties and Priviledges granted to Cities and Towns corporate, or to private men a

Cour

Court-Leets, Wayfs, Eſtrayes, Mercats, Fairs, Free-warren, Felons goods, or what elſe could come to the Crown, or paſs out of it.

Several Writs, Pleadings and Proceedings, as well in Chancery as in all the Courts of Common Law and Exchequer.

Inſpeximus's and Inrollments of Charters and Deeds made and done before the Conqueſt. Deeds and Contracts between party and party, and the juſt eſtabliſhment, of all the Offices in the Nation.

The Metes and Boundes of all the Foreſts in *England*, with the ſeveral reſpective rights of the Inhabitants therein to Common of paſture, &c. beſides many other priviledges and Evidences, which are too long to be

here repeated or inserted.

And are therefore in the Petition of the Commons of *England* in Parlement, *Anno* 46 *Edward* 3. *num.* 43. said to be the perpetual Evidence of every mans right, and the Records of this Nation, without which no Story of the Nation can be written or proved.

These records are reposited within a certain place or Tower, called Wake-field Tower, adjoyning to the Bloody Tower near Traytors Gate. There is another place called *Julius Cæsars* Chappel in the White tower: the going up to this Chappel is in Cold Harbor, 84 steps up, with 6 or 8 great pillars on each side, and at the upper end thereof there was a marble Altar (which in the late times of Rebellion

was

was cauſed to be beaten down, as a monument of Tyranny and Superſtition. There are many Cart load of Records lying in this place, out of which *William Prynne* eſquire, late Keeper of the ſame, with indefatigable labour, collected and printed many of publick utility. *Annis*, 1659. 1660. 1662. 1664. in Four ſeveral Volumes, beginning *primo regis Johannis*, for before that time there are no Rolls, but onely *Chartæ antiquæ*, or antient Tranſcripts made and done before and ſince the Conqueſt, until the beginning of King *John*. Then follows his Son *Henry* III. where the firſt Offices *poſt mortem* begins. Then there is *Edward* I. II. III. *Rich.* II. *Hen.* IV. *Hen.* V. *Hen.* VI. and *Edw.* IV. and the Inquiſi-

tions *post Mortem*, of *Rich.* III. who reigned onely three years, The Rolls of that King are in the Chappel of the Rolls in *Chancery* lane.

The Rolls in the Tower are variously distinguished, viz. *Rotuli Patentium, Cartarum Parliamentorum, Clausarum finium, Scotiæ, Vasconiæ, Franciæ, Hiberniæ, Walliæ, Normanniæ, Alemanniæ, Oblatæ, liberatæ, Extractæ, Perambulationes, Forestæ, Scutag. Rotul. Marescal, Romæ, de Treugis Chart. & Patent, fact. in partibus transmarinis. Patent de Domibus Judæorum Protection. de Perdonation.* &c. *Stapulæ, cum multis aliis.* which are lately depicted upon the outside of every press in the repository belonging to each Kings Raign, and very easily to be brought forth for the

the use of the Client.

By a Table of Orders hanging up in the said Office, and subscribed by the Keeper hereof.

The same is to be kept open, and constantly attended for all resorters thereto, from the the howers of 7 till 11. of the Clock in the morning, and from one till 5 in the afternoon every day of the week: except in the months of *December*, *January* and *February*, and in them, from 8 till 11 in the morning, and from one to 4 in the afternoon, except on holy dayes, publick Fasting and thanks-giving daies, and times of great Pestilence.

The Governour of this great &important Fortress, being call'd the Lieutenant of the Tower, is

usually a person of great worth and fidelity, who is, *virtute officii*, to be in Commission of the Peace for the Counties of *Kent*, *Surry*, and *Middlesex*. He is High Steward of a Court there held, hath a Deputy, and may refuse an *Habeas Corpus*, may give Protection to all Debtors belonging to the Tower, *infra Regnum Angliæ*. Hath the Priviledge to take *unam lagenam*, two Galons and a pint *ante malum*, *& retro*, of all Wine ships that come, and to be, as some hold, *Custos Rotulorum* of the County of *Midlesex*. His salary is 200 *l. per an.* His usual Fee for ry Prisoner sent to the Tower, who are commonly men of Estates, is 20 *l.* and 3 *l.* a week for an Esquire, and 5 *l.* for a Knight. For a Baron or above 50 *l.*

50 *l.* at entrance, to whom the King allows weekly 10 *l.* whereof two parts go to the Priſoner, the third to the Lieftenant for lodgings and Dyet: and 50 *l.* to the Lieſtenant upon the Priſoners diſcharge.

The preſent Lieftenant of the Tower is Sir *John Robinſon* Baronet.

The Gentleman Porter of the Tower holds his place by Patent, and at the entrance of a Priſoner, hath for his Fee *Veſtimenta ſuperiora*, or elſe a Compoſition for the ſame.

The Gentleman Jaylor is put in by the Lieftenant of the Tower, his Fee is 40 *s.* of a Gentleman, and 5 *l.* of a Knight: then, there are 40 Warders of the Tower, accounted the Kings Domeſtick Servants and ſworn

by the Lord Chamberlain of His Majesties Houshold, or by the Clark of the Check.

The monyes allowed by the King to the several Officers and servants in the Tower, and for keeping in repair that huge Structure, amounts to a vast summe.

The next thing remarkable in the City of *London*, may be the BRIDG, which, for admirable workmanship, for vastness of Foundation, for all Dimensions, and for the solid, stately Houses, and rich shops built thereon, surpasseth all others in *Europe*, it hath 19 Arches, founded in a deep broad River, and some say on a soft, ozy, clay ground, is 800 foot in length, 60 high, and 30 broad, hath a Draw-

Draw-bridge almoſt in the middle, and 20 foot between each Arch; it was built *Anno* 1209. in the Reign of King *John*, the firſt ſtone Bridge in *England* having been built above 100 years before, by Queen *Maud* wife to *Hen.* I. at *Stratford*, on the River *Lee*, three miles from *London*; ſo called from the High way there paſſing over a Ford, and ſince called *Stradford Bow*, from the Arched Bridge, a piece of Architecture then new to the *Engliſh* Nation. The building of this Bridge of *London*, was an exceeding difficult and coſtly piece of work, and to thoſe that conſider the conſtant great flux and reflux at that place, it ſeems, almoſt impoſſible to be done again. The charges of keeping it in repair is ſo great that

that it hath been thought fit by our Anceſtors to have a large Houſe, a vaſt Revenue in lands and houſes, Divers conſiderable Officers, *&c.* to be ſet apart for the conſtant care and repair thereof.

Concerning this Bridge, *and the ſtupendious ſite and ſtructure thereof; take here the Fancy of an Ingenious perſon deceaſed.*

WHen Neptune *from his Billows* London *ſpi'd, Brought proudly thither by a* High Spring-Tide:
As through a Floating Wood he ſteer'd along,

And

And moving Caſtles cluſter'd in a throng.
When he beheld a mighty Bridge *give Law*
Unto his Surges, and their fury awe;
When ſuch a ſhelf of Cataracts *did roar,*
As if the Thames *with* Nile *had chang'd her ſhoar,*
When he ſuch maſſy Walls, ſuch Towrs did eye,
Such Poſts, ſuch Irons upon his back to lye,
When ſuch vaſt Arches he obſerv'd, that might
Nineteen Rialto's *make, for depth and height.*
When the Cerulean *god theſe things ſurvey'd,*
He ſhook his Trident, *and aſtoniſht ſaid,*

Let

Let the whole Earth now all her
Wonders count,
This Bridge *of Wonders is the*
Paramount.

Not farre below this famous Bridg is placed the *CUSTOME HOUSE*, where is received and managed all the Impositions laid on Merchandise imported or exported from this City, which are so considerable, that of all the Customes of *England* divided into 3 parts, the Port of *London* payes two thirds, that is above 330000 *l.* yearly. In this Office there are employed many persons of great ability and worth, Collectors, Customers, Comptrollers, Surveyors, Registers, whereof some have salaries of 500 *l.* yearly, besides many perquisites.

The

The house where this great Office was kept being destroyed by the late fire, is now rebuilt in a very much more magnificent, uniform, and commodious mannner by the King, and will cost His Majesty 10000 *l.* the building.

There are at present within this City of *London* divers other very considerable Offices, whereof take the account following:

Of the Office of Post-master-general.

THe Profits of the said Office are setled by Act of Parlament on his Royal Highness the Duke of *York*; but His Majesty doth constitute His *Post-master-*

ster-general by Letters Patents under the Great Seal of *England*; and, accordingly hath conferred that Office upon the right Honorable *Henry* Lord *Arlington*, his principal Secretary of State.

The present Post-master-general keepeth one grand or general Office in the City of *London*, from whence, Letters and Pacquets are dispatched,

Every Munday, to *France*, *Italy*, *Spain*, *Flanders*, *Germany*, *Sweden*, *Denmark*, &c. and to *Kent*.

Every Tuesday, to the *United Netherlands*, *Germany*, &c. and to all parts of *England*, *Scotland*, and *Ireland*.

Every Wednesday, to *Kent* only, and the *Downs*.

Every Thursday, to *France*, *Spain*,

Spain, *Italy*, and all parts of *England* and *Scotland*.

Every Fryday, to the *Spanniſh* and *United Netherlands*, *Germany*, *Sweden*, *Denmark*, and to *Kent*.

Every Saturday, to all parts of *England*, *Scotland* and *Ireland*.

And the Anſwers of the ſaid Letters and Pacquets are received in the ſaid Office in due Courſe: and from thence diſperſed, and delivered according to their reſpective directions, with all Expedition.

The ſaid Office is managed by a Deputy, and other officers, to the number of Seventy ſeven perſons; who give their Actual attendance reſpectively in the diſpatch of the buſineſs.

Upon this grand office depends one hundred eighty two De-

Deputy Post-masters in *England* and *Scotland*; most of which keep regular offices in their Stages, and sub-postmasters in their branches; and also in *Ireland* another generall office for that Kingdom: which is kept in *Dublin*, consisting of eighteen like officers, and 45 Deputy Post-masters.

The present Post-master-general keeps constantly for the transport of the said Letters and pacquets.

Between *England* and
- *France*, 2 Pacquet-boats.
- *Flanders*, 2 Pacquet-boats.
- *Holland*, 3 Pacquet-boats.
- *Ireland*, 3 Pacquet-boats.

And

And at *Deal* two pacquet-boats for the *Downs*.

All which officers, Poſt-maſters and Pacquet-boats are maintained at his own proper charge.

And as the Maſter piece of all thoſe good regulations, eſtabliſhed by the preſent Poſt-maſter general, for the better government of the ſaid office, he hath annexed and appropriated the Market Towns of *England*, ſo well to the reſpective Poſt-ſtages, that there is no conſiderable Market-Town, but hath an Eaſy and certain Conveyance for the Letters thereof to and from the ſaid grand office, in the Due Courſe of the Mailes, every Poſt.

Note alſo, that all Letters are conveyed with more expe-

dition

dition and less charges then in any forreign Country.

A letter conteining a whole sheet of Paper is conveyed 80 miles for 2 *d.* 2 sheets 4 *d.* and an ounce of Letters but 8 *d.* and that in so short a time by night as well as by day, that every 24 houres, the Post goes 130 miles, and in 5 dayes, an answer of a letter may be had from a place 300 miles distant from the Writer. Moreover if any Gentleman desires to ride Post to any principal Town of *England*, Post-Horses are allwayes in readiness (taking no horse without the consent of his owner) which in other Kings reigns was not duly observed: and onely 3 *d.* is demanded for every English mile, and for every Stage to the Post boy 4 *d.* for conducting.

Besides

Beſides this excellent convenience of conveying Letters and Men on Horſeback, there is of late ſuch an admirable commodiouſneſs both for men and women of better rank to travel from *London* to almoſt any great Town of *England*, and to almoſt all the Villages near this great City, that the like hath not been known in the World, and that is by Stage Coaches, wherein one may be tranſported to any place, ſheltred from foul weather and foul waies, free from endammaging ones health or body by hard jogging, or over violent motion, and this not onely at a low price, as, about a ſhilling for every 5 miles, but with ſuch velocity and ſpeed, as that the Poſts in ſome forreign Countryes make not more miles

in

in a day, for the Stage Coaches called flying Coaches make 40 or 50 miles in a day, as from *London* to *Oxford* or *Cambridge*, and that in the space of 12 hours, not counting the time for Dining, setting forth not too early and coming in not too late. This office is now kept in *Bishopsgate* street.

Of the Kings great Wardrobe.

THis Office was usually kept within the City, near Puddle Wharfe, in an antient House built by Sir *John Beauchamp* Son to *Guy de Beauchamp* Earl of *Warwick*, and afterward sold to K. *Edw.* III.

The Master or Keeper of the Great Wardrobe is an Office of great Antiquity and Dignity. High Priviledges and Immunities

nities were conferred by *Hen.* VI. and confirmed by his Succeſſors, King *James* enlarged the ſame, and ordained that this Great Officer ſhould be an Incorporation or Body Politique for ever.

His Office is to make Proviſions for Coronations, Marriages, and Funerals, to furniſh the Court with Beds, Hangings, Carpets and other neceſſaries; to furniſh Houſes for Ambaſſadours at their firſt arrival here, Preſents for forregn Princes and Ambaſſadors, Clothes of Eſtate and other furniture for the Lord Lieftenant of *Ireland*, Lord Preſident of *Wales*, and all His Majeſties Ambaſſadours abroad, to provide all Robes for Forreign Knights of the Garter, for the Officers of the Garter, Coats for Heralds and Purſuivants

vants at Armes, Robes for the Lord Chancellour, Lord Treasurer, *&c.* Rich Liveries for the two Lords Chief Justice, all the Barons of the Exchequer, diviers Officers in those Courts, all Liveries for His Majesties domestique servants: all Linnen for the Kings person, *&c.*

To defray all the forementioned charges, ordinarily there is expended yearly about twenty five thousand pounds, besides all Extraordinaryes, as, Coronations, Funerals, *&c.*

This Office is at present enjoyed by *Edward Montague*, Earl of *Sandwich*, one of His Majesties most Honourable Privy Council, and Knight of the most Noble Order of the Garter.

The present Salary to his Lord-

Lordſh'p in compenſation of all other antient Fees and Allowances is yearly 2000 *l.*

The ſaid Houſe near *Puddle Wharfe* was long ago annext for ever to the Maſter of this Office; but ſince the great Fire this Office is kept in the Savoy.

The chief Officers under the Maſter, are, a Deputy, *Thomas Townſend* ſenior, Eſquire, his ſalary 200 *l.* and a Clark, *Thomas Townſend* junior, Eſquire, whoſe ſalary in compenſation of all Fees and Allowances is yearly 300 *l.*

Both theſe Officers had likewiſe fair dwelling houſes, which were alſo conſumed by the fire.

Belonging to this Office are divers Tradeſmen, Artificers, and

others, to the number of about 40, all ſworn ſervants to the King.

To this Office have lately been added by Patent, during pleaſure, two conſiderable Officers, *viz.* a Controuler, *Andrew Newport* Eſquire, brother to the Lord *Newport*; and a Surveyor, Colonel *Bullen Reymes*, whoſe ſalaries are 300 *l.* yearly to each one.

Of the Colledges in London.

THe famous City of *LONDON* may not unfitly be ſtiled an *Univerſity*, for therein are taught all Liberal Arts and Sciences, not onely Divinity, Civil Law, Phyſick, which

which in other Universities are usual, are read here, but also the Municipal or Common Law of the Nation is here taught, and Degrees taken therein which can be said in no other Nation: Moreover all sorts of Languages, Geography, Hydrography, the Art of Navigation, the Art of Fortification, Anatomy, Chirurgery, Chimistry, Calligraphy, Brachygraphy, or Short-Hand, the Arts of Riding, Fencing, Dancing: Art Military, Fire-works, Limming, Painting, Enamelling Sculpture, Architecture, Heraldry, all sorts of Musick, Arethmetick, Geometry, Astronomy, Grammar, Rhetorick, Poetry, and any other thing that may any way contribute to the accomplishment

of an ingenious Nobleman or Gentleman.

The Colledges of Municipal or Common-Law Professors and Students are 14, called still *Innes*, the old English word for Houses of Noble men or Bishops, or, of extraordinary note, and which is of the same signification with the French word *Hostel* at Paris.

There are 2 Inns of Sergeants, 4 Inns of Court, and 8 Inns of Chancery.

The Innes of Chancery were probably so named; because there dwelt such Clerks as did chiefly study the forming of Writs, which regularly appertains to the Cursitors that are Officers of Chancery. The first of these is called *Thavies* In

Inn begun in the reign of *Edw.* III. and ſince purchaſed by *Lincolns* Inn, as was alſo *Furnivals* Inne, and *Bernards* Inne, both very antient; then there is *New* Inne, *Clements* Inne, *Cliffords* Inne, antiently the Houſe of the Lord *Clifford*, *Staple* Inne, belonging to the Merchants of the Staple; and *Lyons* Inne, antiently a Common Inne with the ſign of the *Lyon*.

Theſe were heretofore preparatory Co'ledges for yonger ſtudents, and many were entred here before admitted into the Innes of Court.

Now they are for the moſt part taken up by Atturneys, Sollicitors and Clerks, who have here their Chambers apart, and their dyet at a very eaſy rate in

a Hall together where they are obliged to appear in grave long Robes and black round knit Caps. These Colledges belong all to some Innes of Court, who send yearly some of their Students to read to these. In these Innes of Chancery one with another, may be about 60 persons.

The Innes of Court were so named, as some think, because the Students therein are to serve the Courts of Judicature; or else because antiently these Colledges received onely the Sons of Noble men, and better sort of Gentlemen, as *Forteſcue* affirmeth.

Of these there are four, first, the two *Temples*, heretofore the dwelling of the Knights Templars, and purchased by some Pro-

Professors of the Common Law above 300 years agoe. They are called the Inner and middle Temple, in relation to *Essex* House, which was a part of the Knights Templars, and called the Utter Temple, because it is seated without Temple Barre, and out of the Jurisdiction of the Lord Mayor.

The two other Innes of Court are *Lincolns* Inne, belonging antiently to the Earles of *Lincoln*, and *Greys* Inne belonging to the noble Family of the *Greys*.

In the raign of *Hen. 6.* they so florished that there were in each of these about 200 Students, and a Student then expended yearly about 20 *l.* which was as much as two hundred pounds now; for they had usu-

ally (as the *French* Nobles have now in their Academies) every one an old discreet servant, and divers Masters for to instruct them in all laudable qualities, and therefore saith the same *Forteſcue*, *Ultra Studium legum, ſunt quaſi Gymnaſia omnium morum:* and the Students were onely, saith he, *Nobilium filii*, that is, Gentlemen, at least, for so the word *Nobilis* was then taken here, and is still in *France*, and threfore by command of King *James* none were to be admitted into these Colledges but Gentlemen by descent. Our Ancestors thought those of inferiour rank, would rather debase the honour of the Law, and would be prone to *chicane* or play tricks, and not like to be so fit for Trusts and Honours, where-

whereas the consideration of Birth and Fortune makes men more careful of their Honour and Reputation.

These Societies are no Corporations, nor have any judicial Power over their Members but have certain orders among themselves, which have, by consent, the force of Laws: for lighter offences they are onely excommunicated, or put out of Commons, not to eat with the rest; and for greater offences they lose their Chambers, and are expelled the Colledg, and being once expelled, they are never received by any of the three other Societies, which deprivation of Honour to young generous spirits is more grievous then perhaps deprivation of life.

These also, when they meet

at Chappel or Hall, or at Courts of Justice, wear a grave black Robe and Cap, at other times walk with Cloak and Sword.

There are no Lands or Revenues belong to these Societies, which being no Corporations, are not enabled to purchase, nor have they any thing for defraying the charges of the House, but what is paid at Admittances and Quit-rents for their Chambers.

The whole Company of Gentlemen in each Society, may be divided into three parts, Benchers or Readers, Utter Barristers, and Inner Barristers.

Benchers or Readers are the Seniors who have read, and to whom is committed the Government and ordering of the whole House, and out of these is

is choſen yearly a Treaſurer, who receiveth, diſburſeth and accounteth for all moneys belonging to the houſe.

Utter Barriſters are ſuch, as, for their learning and ſtanding are called by the Benchers to plead and argue in the Society doubtful Caſes and Queſtions, which are called Mootes (from meeting the old *Saxon* word for the *French* Aſſemble', or elſe from the *French* *MOT* a word) and whileſt they argue the ſaid Caſes, they ſit uttermoſt on the formes or benches which they call the Barre, out of theſe Mootmen are choſen Readers for the Innes of Chancery belonging to the Innes of Court whereof they are Members; where in Term time and grand Vacations they argue

Readers

Readers cases in the presence of Atturneys and Clerks.

All the rest are accounted Inner Barristers, who, for want of Learning or Time are not to argue in these Mootes; and yet in a Moot before the Benchers, two of these Inner Barristers sitting on the same Form with the Utter Barristers, do for their Exercises recite by heart the pleading of the same Moot-Case in Law French, which Pleading is the Declaration, at large, of the said Moot case, the one taking the part of the Plaintiff, and the other of the Defendant.

The year also amongst them is divided into three parts, the Learning Vacation, the Term-times, and the dead or mean Vacation.

They have two learning Vacations

cations, *viz.* Lent-Vacation, which begins the first Munday in Lent, and continueth 3 weeks and 3 daies, and Summer Vacation, which begins Munday after Lammas day, and continueth also 3 weeks and 3 dayes. In these Vacations are the greatest Conferences and exercises of Study in manner following.

The Benchers appoint the Eldest Utter Barrester to read amongst them openly in the Hall, whereof he hath notice half a year before: He then, the first day about 8 of the clock makes choyce of some Act or Statute, whereupon he grounds his whole Reading for that Vacation, and declares such mischiefs and inconveniencies as were unprovided before the same Act, and now are provided by the said Act,

Act, and then reciteth certain doubts and questions, which he hath devised, that may grow upon the said Statute, and declareth his judgment therein, after which one of the younger Utter Barristers repeateth one question propounded by the Reader, and doth by way of Argument labor to prove the Readers opinion to be against Law, and after him the Senior Utter Barrister and Readers one after another, according to Seniority, do declare their opinions and Judgments in the same; and then the Reader, who did put the case, endeavoureth to confute Objections laid against him, and to confirm his own Opinion, after which the Judges and Sergeants, if any be present, declare their Opinions, then

then the yongeſt Utter Barriſter again rehearſeth another Caſe, which is proſecuted as the former was, and this Exerciſe continueth daily about two hours.

Out of thoſe who have read once in the Summer Vacation, and are Benchers, is choſen alwayes one to read in Lent, who obſerves the like manner of Reading, as before is expreſſed.

Out of theſe Readers uſually the Sergeants are choſen.

The manner of Mooting, in the Innes of Court, is thus.

IN theſe Vacations after Supper in the Hall, or, after Drinking on Faſting nights, the Reader

Reader with one or two of the Benchers comes in, to whom one of the Utter Barristers propounds some doubtful Case, which being argued by the Benchers, and lastly by him that moved the Case, the Benchers sit down on the Bench, at the upper end of the Hall, whence they are called Benchers: and upon a Form, in the middle of the Hall, sit two Inner Barristers, and on both sides of them on the same form, sitteth one Inner Barrister, who doth in Law French declare to the Benchers (as Sergeants do at the Bar in the Kings Courts to the Judges) some kind of Action, the one being, as it were retained for the Plaintiff, and the other for the Defendant, which ended, the two Utter Barristers argue such

ſuch queſtions, as be diſputable within the Caſe, after which the Benchers doe likewiſe declare their Opinions how they take the Law to be in thoſe queſtions.

In theſe Mootings, the *junior* alwayes argueth firſt, as is uſed amongſt the Judges in the Exchequer Chamber, and amongſt the Sergeants in open Courts of Judicature. The Inner and Utter Barriſter plead here in Law-French, and the Benchers in *Engliſh*, and at the Readings, the Readers Caſes are put in Engliſh.

Mootings in the Innes of Chancery are thus.

In the Learning Vacations, each Utter Barriſter, who is a Reader in the Innes of Chancery,

ry, go with two Students of the same Inne of Court, to the Inn of Chancery where he is appointed to Read, and there meet him commonly two of each Innes of Court, who sitting as the Benchers doe in the Innes of Court at their Mootes, they hear and argue such Mootes as are brought in and pleaded by the Students of these Innes of Chancery. In the four Innes of Chancery that are situated in *Holborn*, the Mootes are read either by those of *Greys* Inne or *Lincolns* Inne, the others by the 2 Temples.

In Terme time, the onely Exercises of Learning, is arguing and debating Cases, after Dinner, and Mooting after Supper, in the same manner as in the Vacation time.

The

The time between the learning Vacations and Termes, is called, the mean Vacation, during which time every day, after Dinner, Cases are argued, as at other times, and after Supper, Mootes are brought in and pleaded by the Inner Barresters, in the presence of the Utter Barrester, which sit there in the Room of the Benchers, and argued by them, as the Benchers doe in Term time and learning Vacation.

The Manner of keeping a Christmas in any of the Innes of Court, thus.

THe Benchers hold a Parlament before *Christmas* and in case there be in *London* no Pestilence, and that the House is furni-

furnished with such a number of Students, and of such quality as are meet to keep a solemn Christmas; then are chosen and appointed certain of the Students to be Officers, in imitation of the Kings Court, as Comptroller, Treasurer, &c. These bear rule in the House during the whole time of Christmas; and are to behave themselves in that port, gravity and Authority, as if they were so in the Kings house, that so hereafter, they may know the better to behave themselves in case they should be promoted to that honour: for these Gentlemen are usually of such quality, as come not hither with intent to profess the Law, but to learn so much law as may be necessary to preserve their E-

states

ſtates, and to make themſelves accompliſht, in other qualities neceſſary for Gentlemen.

At ſuch time, they have here divers divertiſements, as, Feaſting every day, ſinging, dancing, muſick, dicing, which laſt is allowed there to all comers; and is ſo exceſſive, that what the Dicers allow out of each winning to the Butlers Box, uſually amounts to above 50 *l.* a day and night, wherewith, and a ſmall contribution from each ſtudent, are the great charges of the whole Chriſtmas defrayed.

Sometimes, when their public Treaſury is great, they create a Prince among themſelves, with ſuch Title, as they pleaſe to give him, and he hath all his Officers, and a Court ſutable to a great

great Prince, and many of the prime Nobility and great Officers of State are feasted and entertained by him with Enterludes, *&c.*

From *All Saints* day to *Candlemas*, each house usua'ly hath Revels on Holy-dayes, that is, Musick and Dancing, and for this is chosen some young Student to be Master of the Revels.

Note, that the manner of their Parlament is briefly, thus,

Every Quarter, commonly, the Benchers cause one of the standing officers of the house to summon a Parlement, which is onely an Assembly and Conference of Benchers and Utter-Barristers, which are called the Sage Company, and meet in a place

place called the Parlament chamber, and there treat of ſuch matters as ſhall ſeem expedient for the good ordering of the Houſe, and the reformation of ſuch things as they ſhall judge meet to be reformed. Here are the Readers for Lent and Summer Vacation elected, alſo the Treaſurer is here choſen, and Auditors appointed to take the Accounts of the old Treaſurer, &c. Here offences committed by any of the Society are puniſhed, &c.

Theſe Innes of Court are moſt wiſely ſituated by our Anceſtors, between the Kings Courts of Judicature, and the moſt opulent City of *London*.

In the 4 Inns of Court are reckoned about 800 ſtudents.

Laſtly, there are two more Col-

Colledges call'd Sergeants Inne, where the Common-Law ſtudent, when he is arrived to the higheſt degree, hath his Lodging and Dyet. Theſe are call'd *Servientes ad Legem*, Sergeants at Law, and are as Doctors in the Civil Law, only theſe have been reputed more nob'e and honorable, *Doctoris enim appellatio eſt Magiſterii, Servientis vero Miniſterii*, and therefore Doctors of Law are allowed to ſit within the Barre in Chairs and covered, whilſt Sergeants ſtand without the Barre bareheaded, only with Coifs or Caps on.

To arrive to this high Degree, take this brief account.

The young ſtudent in the Common Law, being born of a Gentile ſtock, and bred two or

or three years in the Univerſity, and there chiefly verſed in Logick and Rhetorick, both expedient for a Lawyer, and gotten ſome inſight into the Civil Law, and ſome skill in the *French* tongue, as well as Latin, he is admitted to be of one of the 4 Innes of Court, where he is firſt called a Moot-man, and after, about 8 years ſtudy, is choſen an Utter Barriſter, and having then ſpent 12 years more, and performed the Exerciſes before mentioned, he is choſen a Bencher or Antient, and being the Puny or Puiſné, doth read in Summer Vacation, and is ſtiled a ſingle Reader, afterwards, being become an antient Bencher, he doth read in the Lent Vacation, and is called a Double Reader, and commonly, between his firſt and ſecond Rea-

ding there is about 9 years: during the Reading, which is three weeks and 3 dayes, as aforementioned, the Reader keeps a constant and sumptuous Feasting, inviting the chief Nobles, Judges, Bishops, great Officers of the Kingdome, and sometimes the King himself (as that most accomplished Lawyer, the present Atturney General did) that it costs them sometimes 800 or 1000 *l.* Afterward he wears a long Robe, partly sable, and partly purple, and is then in a capacity to be made a Sergeant at Law, when His Majesty shall please to call him, which is in this manner.

When the number of Sergeants is small, the Lord chief Justice of the Common Pleas, by the advice and consent of the other

ther Judges, makes choice of 6 or 8, more or leſs, of the moſt grave and learned of the Innes of Court, and preſents their names to the Lord Chancellour or Keeper, who ſends by the Kings Writ, to each of them to appear on ſuch a day, before the King, to receive the State and Degree of Sergeant at Law; at the appointed time they being habited in Robes of two colours, *viz.* Brown and Blew, come accompanyed with the Students of the Innes of Court, and attended by a train of Servants and retayners, in certain peculiar cloth Liveryes, to *Weſtminſter* Hall, there in publick take a Solemn Oath, and are clothed with certain Robes and Coyfs, without which they may no more be ſeen in pub-

lick; after this they feast the great persons of the Nation, in a very magnificent and Princely manner, give gold Rings to the Princes of the Blood, Archbishops, Chancellour and Treasurer, to the value of 40 s. each Ring: to Earles, Bishops, Rings of 20 s. to other great Officers, to Barons, great Prelates, &c. Rings of less value.

Out of these are chosen all the Judges of the Kings Bench and Common Pleas, wherefore all those Judges do alwayes wear the white Lawn Coyfe, which is the principal Badge of a Sergeant, and which he had ever the priviledg to wear at all times, even in the Kings presence, and whilst he spake to the King, though antiently it was not permitted to any subject to be

be ſo much as capped in the Preſence of the King of *England*, as at preſent, it is not allowed in the preſence of the Pope or of the Emperour.

When any of the forementioned Judges are wanting, the King, by advice of his Council makes choice of one of theſe Sergeants at Law, to ſupply his place, and conſtitutes him by Letters Patent, ſealed by the Chancellour, who ſitting in the middle of the reſt of the Judges in open Court, by a ſet Speech declares to the Sergeant (that upon this occaſion is brought in) the Kings pleaſure, and to the people, the Kings goodneſs in providing the Bench with ſuch able honeſt men, as that Juſtice may be done expeditely and impartially, to all his Sub-

jects, and then causes the said Letters Patents to be read; and being departed, the Chief Justice places the said Sergeant on the Bench, *junior* of all the rest, and having taken his oath well and truly to serve the King and His people in the office of Justice, to take no reward, to do equal and speedy Justice to all, &c. he sits himself to the Execution of his Charge.

The Sergeant being thus advanced to be a Judge, hath thereby great Honour and a very considerable Salary, besides certain perquisits, for each one hath, at least, 1000 pound a year from the King; and now, in some things, his former habit of a Sergeant is altered, his long Robe and Cap, his Hood and Coif, are the same, but there is, be-

beſides, a Cloak put over him, and cloſed on his right ſhoulder, and inſtead of a *Caputium* lined with Lambskin, now a *Caputium* lined with *Minever* or *de Minuto vario*, divers ſmall pieces of white rich Furre.

Note, that to the two Sergeants Innes belong the 12 Judges, and about 26 Sergeants.

Antiently, the Fee expected by a Sergeant from his Client for Advice given, at his Chamber, or for pleading in any Court of Judicature, was no more then 20 *s.* and the fee of a Barreſter 10 *s.* (which yet is much more then is uſually given in any of our Neighbour Nations, at this day) but, at preſent it is become, almoſt ordinary, to give ſome Sergeants 10 *l.* and ſometimes 20 *l.* and, to a Barreſter

half as much, at the hearing of any considerable Cause; whereby it comes to pass, that some Lawyers in one year gain in Fees 3000 *l.* and some 4000 *l.* and in few years purchase Estates fit for Lords, and sometimes live to see themselves advanced to be Peers of the Realm, as the late Lord Keepers *Coventry*, *Finch*, and others.

Now all these forementioned Innes or Colledges for the Students in our Common Law, being not farre distant one from another, do make the most famous Profession of the Law that is in the World: and it will be a very difficult thing to finde in any one forreign University, so many Students of the Law, that are of that ripe age past Childhood; and of that high quality, most

moſt Gentlemen, and a conſiderable number of the Sons of the higher Nobility.

Of the Colledg of Civilians, called Doctors Commons.

ALthough Degrees in the Civil Law may be had only in *Oxford* and *Cambridge*, and the Theory beſt there to be acquired: yet the Practice thereof is moſt of all in *London*, where a Colledge was long ſince purchaſed by Doctor *Henry Harvy* Dean of the Arches, for the Profeſſors of the Civil Law in this City, and where commonly did reſide the Judge of the Arches, the Judg of the Admiralty,

miralty, and the Judge of the Prerogative Court, with divers other eminent Civilians, who there living (for dyet and lodging) in a Collegiate manner, and Commoning together, it was usually known by the name of *Doctors Commons*, and stood near St. *Pauls* in the Parish of St. *Bennets Pauls Wharf*; which being consumed by the late dreadful fire, they now all reside at *Exeter* House in the *Strand*, in the same manner (untill their House be rebuilt) and keep there their several Courts and pleadings every Term, which begins and ends almost at the same time with the Term at *Westminster*.

The Chief Court of the Archbishop is that of the Arches, whereof, (see more in the Chap.

Chap. of the Eccleſiaſtical Government of *England*.

The Principal, Official or Judge of this Court is ſtiled Dean of the *Arches*, and is at preſent Sir *Giles Sweit* Knight, Doctor of Laws.

He ſitteth alone without any Aſſeſſors, and heareth and determineth all Cauſes without any Jury of 12 men, as is neceſſary in Common Law Courts.

To this Court belongeth an Actuary, a Regiſter, and a Bedle.

The Office of the Actuary is to attend the Court, ſet down the Judges Decrees, regiſter the Acts of the Court and ſend them in Books to the Regiſtry. This Office is enjoyed by *John Clements* Batcheler of Laws, and Publick Notary.

The

The Regiſter of the Court is another of the ſame name, whoſe Office is by himſelf, or deputy to attend the Court, receive all Libels or Bills, Allegations and Exhibets, examines all witneſſes, files all Sentences, and keepes the Records of the Court.

The Bedle attends the Court, carryeth a Mace before the Judg, and calls the Perſons cited to appeare.

Thoſe that are allowed to be Advocates and plead in this Court, are all to be Doctors of the Civil law, in one of our Engliſh Univerſities, who upon their Petition to the Archbiſhop of *Canterbury*, and his *Fiat* obtained, are admitted by the Judge of this Court, upon condition not to practiſe for one

one whole year, after such admittance.

The manner of their Admittance is thus, The two Senior Advocates in their scarlet Robes, with the Mace before them, conduct him up to the Court, with three low Reverences, and present him with a short Latin Speech, and the Rescript of the Archbishop; then the Oaths of Allegeance, Supremacy, and some other prescribed in the Statute of the Arches, being taken, he is admitted by the Judge, and a place or seat in the Court assigned unto him, which he is always to keep when he pleads.

The Judge and all the Advocates, in Court, alwayes wear their Scarlet Robes, with Hoods lined with Taffata, if they be of

Ox-

Oxford; or white Minever Fur, if of *Cambridge*; and all round black velvet Caps.

Here followeth a Catalogue of the Names of all the Advocates *in their Order.*

Dr. *Martyn.*
Dr. *Heath.*
Dr. *King.*
Dr. *Lewen*, Knight.
Dr. *Aldern.*
Dr. *Littleton*, Knight.
Dr. *Wiseman*, Kt. Kings Advocate.
Dr. *Chaworth*, Knight.
Dr. *Walker*, Knight.
Dr. *Pepys.*
Dr. *Mills.*
Dr. *Cruso.*
Dr. *Baldwin*, Kt.

Dr.

Dr. *Nicolſon.*
Dr. *Lowen.*
Dr. *Wake.*
Dr. *Watkinſon.*
Dr. *Birkenhead,* Knight.
Dr. *Warren.*
Dr. *Bud.*
Dr. *Aldworth.*
Dr. *Jones.*
Dr. *Crefts.*
Dr. *Exton.*
Dr. *Hughes.*
Dr. *Lloyd.*
Dr. *Boucher.*
Dr. *Maſters.*
Dr. *Clerk.*
Dr. *Leighton,* Knight.
Dr. *Digby.*
Dr. *Low.*
Dr. *Trumbal.*
Dr. *Falconbridge.*
Dr. *Pinfold.*
Dr. *Elliot.*

Dr.

Dr. *Raimes.*
Dr. *Briggs.*
Dr. *Oldys.*
Dr. *Meale.*

The Proctors belonging to this Court, who are persons that exhibite their proxies for their Clients, and make themselves parties for them, and draw and give in Pleas or Libells and Allegations in the behalf of their Clients, produce the Witnesses, prepare the causes for sentence, and attend the Advocates with the proceedings. They are also admitted by the *Fiat* of the Archbishop, introduced by the two *Senior* Proctors, and are allowed to practise immediately after their admission, they wear black Robes and Hoods lined with white Furre.

Ac-

According to the Statutes of this Court all Arguments made by Advocates, and all Petitions made by the Proctors, are to be in the Latine Tongue.

All Proceſs of this Court run in the name of the Judge, thus, *Egid. Sweit, Miles, LL. Dr. Almæ Curiæ Cant. de Arcubus London. Officialis Principalis:* and retornable before him heretofore in *Bow* Church, now in the Common Hall at *Exeter* Houſe.

The Places and Offices belonging to this Court are all in the Gift of the Archbiſhop of *Canterbury*, whoſe Court it is.

Here note, that the next morning after the ſitting of this Court, the Judge of the Court of *Audience* did uſually ſit,

sit, but since the late Troubles that Court hath been discontinued.

Next is the Court of *Admiralty*, whereof see more in Chap. of the *Military Government*.

The present Judg of this Court is Sir *Leolin Jenkins*, Kt. Doctor of Laws, whose Title is *Supremæ Curiæ Admiralitatis Angliæ locum tenens Judex sive Presidens*, The Writs & Decrees run in the Name of the Ld high Admiral, and are directed to all Vice-admirals, Justices of Peace, Mayors, Sheriffs, Bayliffs, Constables, Marshals, and others Officers and ministers of our Soveraign Lord the King, aswell within Liberties as without.

To this Court belongs a Register, *Orlando Gee*, esquire; a Mar-

Marſhal, who attends the Court, and carryes a Silver Oare before the Judg, whereon are the Arms of the King and of the Lord high Admiral.

The Lord Admiral hath here his Advocate and Proctor, and all other Advocates and Proctors are preſented by them, and admitted by the Judge.

This Court is held on the ſame day with the Arches, but in the afternoon, and heretofore at St. *Margarets* hill in *Southwark*, but now in the ſame Common Hall at *Exeter* Houſe. But the Admiralty Seſſion is ſtill held, for the tryal of Malefactors, and crimes committed at Sea, at the Antient place aforeſaid.

The places and offices belonging to this Court, are in the Gift of the Lord high Admiral.

Next

Next, is another Court belonging to the Archbishop of *Canterbury*, called the *Prerogative Court*, whereof, See more in the Chap. of the *Ecclesiastical Government* of *England*.

The Judge of this Court is the forenamed Sir *Leolin Jenkins*, and his Title here is, *Curiæ Prerogativæ Cant. Magister, Custos, sive Commissarius.*

All Citations and Decrees run in the name of the Archbishop.

This Court is kept in the same Common Hall, in the afternoon, next day after the Arches, and was heretofore held in the Consistory of St. *Pauls*.

The Judge is attended by a Register, *Mark Cottle* Esquire, who sets down the Decrees and Acts of the Court, and keeps the Re-

Records, all Original Wills and Teſtaments of parties dying, having *Bona Notabilia*, &c. The place is commonly called the *Prarogative* Office; now kept in the *Savoy*, where for a moderate Fee, one may ſearch for, and have a Copy of any ſuch Teſtament made ſince the Rebellion of *Wat Tiler* and *Jac Straw*, by whom many Records and Writings in ſeveral places of *London* were then burnt and deſtroyed.

The Places belonging to this Court are in the gift of the Archbiſhop of *Canterbury*.

From the forementioned Courts, Appeales do lye to the Court of *Delegates*, whereof more *p. c. 76.* the Judges whereof are appointed by the Lord Keeper under the Great Seal of

Eng-

England, *pro illa vice*, and upon every cause or business there is a new Commission, and new Judges according to the Nature of the Affair or Cause, as sometimes Bishops, Common-Law-Judges, and Civilians; sometimes Bishops, and Civilians, and sometimes Common-Law-Judges and Civilians, and sometimes Civilians onely.

To this Court belongs a standing Register, and the Court is kept in the same Common Hall, in the afternoon, the day after the *Prerogative*.

The Citations and Decrees here run in the Kings Name.

From this Court lyes no Appeal in Common course.

But the King of His meer Prærogative Royal may, and many times doth, grant a Commission,

miſſion of *Review*, under the Broad Seal.

In this Colledge alſo uſually reſides the Vicar general belonging to the Arch-biſhop, who, as he is Primate, hath the guardianſhip of the Spiritualities of every Biſhoprick within his Province, during the Vacancy, and executes all Epiſcopal Power and Juriſdiction by his Vicar general, who is at preſent in the Province of *Canterbury*, Sir *Richard Chaworth* Knight, Doctor of Laws.

of

Of the Colledge of Physitians in London.

AMongst other excellent Institutions in the City of *London*, there is a Colledge or Corporation of Physitians, who by Charters and Acts of Parlement of *Hen.* VIII. and since his raign, have certain Priviledges, whereby no man, though a Graduat in Physick, of *Oxford* or *Cambridge*, may, without Licence under the said Colledge Seal, practise Physick in *London*, or within seven miles of this City, (nor in any other part of *England*, in case he hath not taken any Degree in *Oxford* or *Cambridge*.) Whereby also they can administer an Oath, fine and im-

impriſon any Offenders in that and divers other particulars, can make By-laws, purchaſe Lands, &c. Whereby they have Authority to ſearch all the ſhops of Apothecaries in and about *London*, to ſee if their Drugs and Compoſitions are wholeſome and well made, whereby they are freed from all troubleſome Offices, as to ſerve upon Juries, to be Conſtable, to keep watch and ward, to bear Armes, or provide Armes or Ammunition, *&c.* any member of that Colledge may practiſe Surgery, if he pleaſe, not onely in *London*, but in any part of *England*.

This Society had antiently a Colledge in Knight rider-ſtreet, the gift of Doctor *Linacre*, Phyſitian to King *Henry* the VIII. ince which, a Houſe and Ground

was purchased by the Society of Physitians at the end of *Amen* street, whereon the ever famous Dr. *Harvey*, Anno 1652. did erect at his own proper charge a magnificent structure, both for a Library, and a publick Hall for the Meeting of the several Members of this Society, endowed the same with his whole Inheritance, which he resigned up, while he was yet living and in Health, part of which he assigned for an Anniversary Harangue to commemorate all their Benefactors, to exhort others to follow their good Examples, and to provide a plentiful Dinner for the worthy Company.

Ann. 1666. This goodly Edifice could not escape the Fury of that dreadful Fire, and that ground

ground being but a Leaſe, the preſent Fellows of this Colledge have purchaſed with their own moneyes a fair piece of ground in *Warwick lane*, whereon they intend to raiſe a ſutable Edifice.

Of this Colledge there is a Preſident, four Cenſors, and 8 Elects, who are all principal Members of the Society, and out of whom, one is every year choſen to preſide.

The four Cenſors of the Colledges have, by their Charter, authority to ſurvey, correct and govern all Phyſitians, or others, that ſhall practiſe in *London*, or within ſeven miles of the ſame, to fine, amerce and impriſon any of them, as they ſhall ſee cauſe.

Here followeth a List of all the Principal Physitians who now practise in London.

Sir *George Ent*, President.

Dr. *Hamey.*
Dr. *Glisson.*
Dr. *Salmon.*
Dr. *Stane*, Censor.
Sir *Alex. Frasier.*
Dr. *Micklethwaite.*
Dr. *Paget.*
Dr. *Tim. Clarke.*
Dr. *Goddard*, Censor.
Dr. *King.*
Dr. *Cox.*
Dr. *Stanley.*
Dr. *Whistler.*
Sir *Charles Scarbrough.*
Dr. *Wharton.*
Dr. *Merret*, Censor.

Dr. *Sam.*

Dr. *Sam. Collins.*
Dr. *Rugeley.*
Sir *Will. Petty.*
Dr. *Terne.*
Sir *John Babor.*
Sir *Edw. Greaves.*
Dr. *Croyden*, Cenſor.
Dr. *Bevoir.*
Dr. *Wolfe.*
Dr. *Luellen.*
Sir *John Finch.*
Dr. *Banes.*
Dr. *VValter.*
Dr. *Burwell.*
Dr. *Rogers.*
Dr. *Mills.*
Dr. *Lang.*
Dr. *Betts.*
Dr. *Twiſden.*
Dr. *VValdron.*
Dr. *Barwick.*
Dr. *Dacres.*
Dr. *Sam. Collins.*

Dr. *Collier*.
Dr. *James Clerke*.
Dr. *Gasper Needham*.
Dr. *Henry Clerke*.
Dr. *Carr*.
Dr. *Packer*.

Candidati.

Dr. *Stracey*.
Dr. *Yerbury*.
Dr. *Allen*.
Dr. *Hodges*.
Dr. *Millington*.
Dr. *Parker*.
Dr. *Jo. Smith*.
Dr. *Lawson*.
Dr. *Coysh*.
Dr. *Bruce*.
Dr. *Brookes*.
Dr. *Howarth*.
Dr. *George Smith*.
Sir *Thomas Bathurst*.

Dr.

Dr. *Francklin.*
Dr. *Atfield.*
Dr. *Downes.*
Dr. *Trevor.*
Dr. *Croone.*
Dr. *Browne.*
Dr. *Burwell.*
Dr. *Short.*
Dr. *Marſhall.*

Socii Honorarii.

Sir *Richard Napier.*
Dr. *Frear.*
Dr. *Parker.*
Dr. *Aaron Gourden.*
Dr. *Denton.*
Sir *John Colladon.*
Dr. *Meara.*
Dr. *Lampriere.*
Dr. *Bowles.*
Dr. *Colſton.*
Sir *John Hinton.*

Dr. *Bacon.*
Dr. *D'awtrey.*
Dr. *Deodate.*
Dr. *Fogarsius.*
Dr. *Hames.*
Dr. *Jo. Skinner.*
Dr. *Timme.*
Dr. *VVarner.*
Dr. *Harris.*
Dr. *Argall.*
Dr. *Arris.*
Dr. *Laxgham.*
Dr. *Meverell.*
Dr. *Stanley.*
Sir *Theodor De Veaux.*
Dr. *VVitherley.*
Dr. *Titchborn.*
Dr. *VVoodcock.*
Dr. *King.*
Dr. *Tayler.*
Dr. *Bright.*
Dr. *More.*
Dr. *Curſellis.*

Dr.

Dr. *Walgrave.*
Dr. *Ball.*
Dr. *Duke.*
Dr. *Harrison.*
Dr. *Man.*
Dr. *Barebon.*
Dr. *Napier.*
Dr. *Gelsthorpe.*
Dr. *Griffith.*
Dr. *Walter Needham.*
Dr. *Moeser.*
Dr. *Carter.*
Dr. *Trapham.*
Dr. *Hen. Glisson.*
Dr. *Charleton.*
Dr. *John Clarke.*
Dr. *Cavendish.*
Dr. *Dennis Gourden.*
Dr. *Bridgood.*
Dr. *Yardley.*
Dr. *Brown.*
Dr. *Paman.*
Dr. *Fisher.*

Dr.

Dr. *Grinder.*
Dr. *Lawrence.*
Dr. *VVillis.*
Dr. *Dickenson.*
Dr. *Fielding.*
Dr. *Medford.*
Dr. *Grey.*
Dr. *Sagittary.*
Dr. *VVhite.*
Dr. *VVaterhouse.*

Permissi.

Dr. *VVedderburn.*
Dr. *Trist.*
Dr. *Lenthall.*
Dr. *Barrough.*
Dr. *Broome.*
Dr. *VVelman.*
Dr. *Vermuden.*
Dr. *Sydenham.*

Antiently, the uſual Fee of a *Doctor* was 20 *s.* and of one that had not taken that degree 10 *s.* at preſent there is no certain rule; but ſome, that are eminent, have received in fees yearly, 2 or 3000 *l.* and purchaſe great Eſtates; which in other Countries is very rare.

Beſides the worthy perſons mentioned in the Liſt above, there are divers Phyſitians, that have good practice in *London*, although they never had any Licence, which is connived at by the Colledge, and ſo is the too much practiſe of *Empericks*, *Mountebanks*, pretended *Chymiſts*, *Apothecaries*, *Surgeons*, *wiſe women*, &c. in which piece of folly, the Engliſh ſurpaſs all the Nations of Chriſtendome.

And

And yet, by the Law of *England*, if one who is no Physitian or Surgeon, or not expresly allowed to practise, shall take upon him a Cure, and his Patient dye under his hands, this is Felony in the person presuming so to doe.

Of the Colledge of Heralds.

NOt far from the Colledge of *Doctors Commons* stood the Colledg of *Heralds*; that is, of such as are to be Messengers of Warre and Peace, that are skilfull in Descents, Pedigrees, and Coates or Armories: an antient House, built by *Thomas Stanley* Earle of *Darby*, who mar-

married the Mother of King *Henry* the VII. and beſtowed by Queen *Mary* on the Kings Heralds and Purſuivants at Armes for ever, to the end that they, and their ſucceſſours might dwell together (if they ſo pleaſed) and aſſemble, conferr, and agree for the good Government of their Faculty, and that their Records might there ſafely be preſerved, *&c.*

They were made a Colledge or Corporation, by Charter of K. *Richard* the III. and by him had ſeveral Priviledges granted unto them; as, to be free from Subſidies, Tolls, and all troubleſome Offices of the Kingdome.

Afterwards, another Charter of Priviledges was granted unto this Society by K. *Edward* the VI. in the third year of his Reign. Of

Of this Collegiate Society are first; three, stiled *Reges Armorum Anglorum*, Kings at Armes, 6, called *Heralds*, and 4 *Pursuivants* at Armes.

Amongst the Kings at Armes, the first and principal is called *Garter*, instituted by King *Henry* the V. whose office is to attend the Knights of the Garter at their Solemnities, and to marshall the Solemnities at the Funerals of all the higher Nobility of *England*, to advertise those that are chosen, of their new Election, to call on them to be installed at *Windsor*, to cause their Armes to be hung up upon their seates there, to carry the Garter to Kings and Princes beyond the Seas, for which purpose, he was wont to be joyned in Commission

on with ſome principal Peer of the Realme, &c.

The next is *Clarencieux*, ſo called, from the Duke of *Clarence*, to whom he firſt belonged, for *Lionel* third Son to *Edw.* the III. marrying the daughter and heir of the Earle of *Ulſter* in *Ireland*, had with her the Honour of *Clare* in the County of *Twomond*, whereupon he was afterwards created Duke of *Clarence*, or the Territory about *Clare*, which Dukedome eſcheating to King *Edw.* the IV. by the death of his brother *George* Duke of *Clarence*, he made this Herald who properly belonged to that Duke, a King at Arms, and named him *Clarentieux* in French, and *Clarentius* in Latin. His Office is to marſhall and diſpoſe the Funerals of all the lower No-

Nobility, as, Baronets, Knights, Esquires, and Gentlemen on the South side of *Trent*, and therefore, sometimes called *Surroy* or *Southroy*.

The third King at Armes is *Norroy*, or *Northroy*, whose office is to do the like on all the North-side of *Trent*.

The two last are called Provincial Heralds, *England* being by them divided into two Provinces.

These by Charter have power to visit Noblemens Families, to set down their Pedigrees, to distinguish their Armes, to appoint men their Armes or Ensignes, and with *Garter* to govern the *Heralds*.

The six Heralds antiently belonging properly to Dukes have been sometimes named *Dukes at Armes*

Armes, and are thus called and ranked; 1. *Windſor*, 2. *Richmond*, 3. *Cheſter*, 4. *Somerſet*, 5. *York*, 6. *Lancaſter*. whoſe Office was antiently to attend Dukes in martial Executions; now they are to waite at Court, attend Publick Solemnities, Proclame Warre and Peace, *&c.* thence perhaps named *Heralds*, from 2 *German* Words, *Here* and *Healt*, that is, the Armies Champion, to denounce Warre, or offer Peace, as the *Feciales* of the *Romans* did, and from hence probably 7 Daniſh Kings, and ſome Kings of *Norwey* and of *Sweden*, & ſome of *England*, before the Conqueſt, have had the name of *Harold*, which is all one (ſaith *Verſtegan*) with *Herald*.

Theſe have no certain Province under them, but by turns waite

waite upon the Kings at Armes, and have part of their Fees.

Of these Heralds in *England*, there were antiently many, and so likewise of Pursuivants, whereof at present, there are but four, thus named *Rouge Cross*, *Rouge Dragon*, *Portcullice*, and *Blewmantle*, from such Badges heretofore worn by them, as it is thought.

The service of these and of the *Heralds*, and of the whole Colledge is used in marshalling and ordering Coronations, Marriages, Christnings, Funerals, Interviews, Feasts of Kings and Princes, Cavalcades, Shews, Justs, Tournaments, &c. Also they take Care of the Coates of Armes, of the Genealogies of the Nobility and Gentry, briefly, whatsoever concerns Honour,

nour, is their care and ſtudy, they are *tanquam Sacrorum Cuſtodes & Templi Honoris Æditui.*

All theſe receive annual ſtipends out of the Kings Exchequer. They are all to be Gentlemen at the leaſt, and the ſix Heralds are expreſly made Eſquires, by the King, when they are created Heralds.

Antiently the *Kings at Armes* were created and ſolemnly crowned by the Kings of *England* themſelvs, and the *Heralds* and *Purſuivants* had their Creations from the Kings hand; but of later times the Earle Marſhal hath had a ſpecial Commiſſion for every particular Creation, and to doe all that before was done by the King.

For the Creating and Crown-

ing

ing of *Garter* King at Arms, there are first to be provided a sword & a Book, whereon to take a solemn Oath, then a guilt Crown, a Collar of S's, a Bowl of Wine, which Bowl is the Fee of the new created King, also a Coate of Armes of Velvet richly embroydered: His Creation is on this manner; First, he kneels down before the Earle-Marshal, and laying his hand on the Book and Sword, another King at Armes reads the Oath, which being taken, and the Book and sword kissed; next are read the Letters Patents of his Office, during which the Earl Marshall powres the Wine on his head, and gives him the name of *Garter*, then puts on him the Coat of Armes and Collar of S's, and the Crown on his head:

The

The Oath is to obey, first, the Supream head of the most Noble Order of the Garter, and then the Noble Knights of that Order, in such things as belong to his office: to inquire diligently of all the noble and notable Acts of every Knight of this Order, and thereof to certify the Register of that Order, that he may record the same, and to give notice to the King, and the Knights of the Order, of the death of any of that Society: to have an exact knowledg of all the Nobility, to instruct Heralds and Pursuivants in doubts concerning the Office of Arms, to eschew and avoid all persons of ill reputation, to be more ready to excuse then to blame any noble person, unless called by Authority, to witness against them,

them, &c. This Officer hath a double Salary, double to the two other Kings, and hath moreover Fees at the Installments, yearly wages given by the Knights of the Garter, hath the uppermost Garment at their Installments, &c.

The two Provincial Kings at *Armes*, *Clarentius* and *Norroy* are created by Letters Patents, a Book, a Sword, &c. as *Garter*, and with almost the same Ceremonies.

A Herald at Armes is also created with the like Ceremony; onely his Coat of Armes must be Sattin, embroydered and enricht with gold, and must be brought in with two Heralds, as the Kings at Arms are by two Kings at Armes.

They take a solemn Oath to be

be true to the King, to be serviceable to Gentlemen, to keep secrets of Knights, Esquires, Ladyes and Gentlewomen, to assist distressed Gentlemen and Gentlewomen, Widdows and Virgins; to avoid Taverns, Dicing and Whore-houses, &c. Pursuivants at Arms are created also by Letters Patents, a Book, a Bowl of Wine, and a Coat of Arms of Damask, and to be brought in, as the Heralds, before the Earl Marshal, or his Deputy, and to swear in solemn manner, to be true to the King, to be serviceable to all Christians, to be secret and sober, to be more ready to commend, then to blame, to be humble, lowly, &c.

This Office, since the late dreadful fire, is held in the Queens

Queens Court, at *Westminster*, where are some alwayes waiting, to satisfy comers touching Descents, Pedigrees, Coates of Armes, *&c.*

All of this Colledge, being the Kings sworn servants, the Reader may finde a List of their Names, in the First Part, *about the* Kings Court.

Within the Walls of *London* also is seated a *Colledge*, built and endowed by the forementioned worthy person Sir *Thomas Gresham*, in manner following: After he had built the Royal Exchange, he gave the Revenue thereof, the one Moity to the Mayor and Commonalty of *London*, and their Successors; and the other moity to the

the Company of *Mercers*, in truſt that the Mayor and Aldermen ſhould finde in all time to come, four able perſons to read within this Colledge, Divinity, Geometry, Aſtronomy and Muſick, and to allow to each of them, beſides their fair lodgings 50 *l.* a year. And that the Company of *Mercers* ſhould finde 3 more able men, to read Civil Law, Phyſick and Rhetorick, and to allow to each one of them, beſides fair Lodgings 50 *l.* a year. And that theſe ſeveral Lecturers ſhould read, in Term time, every day in the Week (except Sundayes) aforenoon, in Latin, and after noon, the ſame in Engliſh: The Muſick Lecture to be read onely in Engliſh.

There is alſo within *London*

another, called *Sion Colledge*, founded by *Thomas White* Dr in Divinity, for the use of the Clergy of *London*, and of the Libertyes thereof; and a part thereof to be for 20 poor people, to perform all which he gave 3000 *l.* and for the maintenance of those poor he setled 120 *l.* a year, for ever; and 40 *l.* a year for a Sermon in Latin, at the beginning of every Quarter, and a plentiful Dinner for all the Clergy that shall then meet there. In this Colledge is a fair spacious Library, built by *John Symson*, Rector of Saint *Olaves Hart street*, and one of the said Doctor *Whites* Executors, and by the bounty of divers Benefactors, this Library hath been well furnished with Books, chiefly such as are useful for

for Divines. This Colledge felt the rage of the late Fire, but is almoſt repaired again.

A little without the Walls ſtands another Colledge, called antiently the *Chartreuſe*, now corruptly, the *Charter houſe*, it being heretofore a Covent of *Carthuſian Monks*, called in French *des Chartreux*. This Colledge conſiſts of a Maſter or Governour, at preſent Sir *Ralph Sidenham*, a Chaplain, Maſter *Thriſcroſs*, a Maſter and Uſher to inſtruct 44 Scholars; beſides fourſcore decayed Gentlemen and Souldiers, who have all a plentifull maintenance of dyet, lodging, clothes and Phyſick, &c. and live all together in a Collegiate manner, with much cleanlineſs and neatneſs: and

the 44 Scholars have not only all neceſſaries whilſt they are here taught, but if they become fit for the *Univerſities*, there is allowed unto each one, out of the yearly Revenues of this Colledg 20 *l.* yearly, and duely paid, for 8 years after they come to the Univerſity, and to others, fitter for Trades, there is allowed a conſiderable Summe of money to bind them Apprentices. There are moreover all ſorts of officers expedient for ſuch a Society, as Phyſitian, Apothecary, Steward, Cooks, Butlers, *&c.* who have all competent Salaries. This vaſt Revenue and Princely Foundation was the ſole Gift of an ordinary Gentleman, Mr. *Thomas Sutton*, born in *Lincoln*-ſhire: and 'twas of ſuch high Account, as it was thought

thought fit, that by the Kings Letters Patents, under the great Seal, divers perſons of the higheſt Dignity and Quality in Church and State, ſhould alwayes be the Overſeers and Regulators of this Society; as the Archbiſhop of *Canterbury*, the Lord Keeper, Lord Treaſurer, and 13 others.

Beſides, there are in *London* divers endowed Schooles, which in *France*, would be ſtiled Colledges; as *Paul's* School, founded 1512. by *John Collet*, Doctor of Divinity, and Dean of *Pauls*, for 153 Children to be taught there *gratis*, for which purpoſe he appointed a Maſter, a Sub-maſter or Uſher, and a Chaplain, with large ſtipends for ever, committing the overſight

thereof to the Masters, Wardens and Assistants of the *Mercers* in *London*; for his father *Henry Collet*, sometimes Lord Mayor of *London*, was of the *Mercers* Company. This famous School was also lately burnt down, and is now reedifyed in a farre more magnificent, commodious and beautiful manner, the worthy Master thereof is Mr. *Samuel Crumholm* alias *Cromlum*.

There are in *London* divers other endowed Schools, as Merchant-Taylors, Mercers Chappel, *&c.* a particular Account whereof the designed Brevity of this Treatise will not admit.

It would also make this Book too much swell to give an Account of the many richly endowed Hospitals, Almes-houses, Work-houses or Houses of Corre-

Correction, the many ſtately built Taverns, Innes and Coffee Houſes, ſome whereof ſurpaſs all others in forreign parts, and are worthy to be viewed by curious Travellers, who may alſo finde it worthy their paines, to remarque the many well furniſht Markets, the weekly Horſe-fairs, the great commodiouſneſs of hackney-Coaches, of Sedans, of Boates, *&c.* belonging to this famous City; alſo to Conſider the City of *Weſtminſter* and the Burrough of *Southwark*, both which now ſeem to be ſwallowed up in *London*.

Within the Precincts of *VVeſtminſter* are many Magnalia, ſeveral things are as remarkable as any aforementioned: the antient ſtately Abby Church founded before the *Norman* Conqueſt,

by the Pious King *Ed.* the Confessor, and most richly endowed, afterwards rebuilt from the ground by *Henry* the III. with that rare Architecture now seen, wherein are the most magnificent Tombs and Monuments of our Kings and Queens, and greatest Nobles of *England.* To the East end of which is added a Chappell of King *Henry* the VII. which, for the most admirable artificial work without and within, for a Monument of massy Brass, most curiously wrought, is scarce to be paralleld in the World.

This huge Fabrick stands where first was the Temple of *Apollo*, and afterwards King *Sebert*, the East Saxon King, that first built Saint *Pauls* aforementioned, built here a Church to St. *Peter*. Queen

Queen *Elizabeth* converted this Abby into a Collegiate Church, and therein placed a Dean, 12 Secular Canons or Prebendaries, Petty Canons and others of the Quire to the number of 30. ten Officers belonging to the Church, as many ſervants belonging to the Collegiate dyet, 2 Schoolmaſters, 40 Scholars, 12 Almesmen with plentiful maintenance for all, beſides Stewards, Receivers, Regiſters, Collectors, and other Officers, the principal whereof is the high Steward of *Weſtminſter*, who is uſually one of the prime Nobility, and is at preſent the Lord Chamberlain E. of *Mancheſter*. The Dean is entruſted with the cuſtody of the *Regalia* at the Coronation, honored with a place of neceſſary ſervice at all Coronations, and

a Commission of Peace within the City and Liberties of *Westminster*, the Dean and Chapter invested with all manner of Jurisdiction, both Ecclesiastical and Civil, not onely within the City & Liberties of *Westm.* but within the Precincts of St. *Martin le grand*, within the Walls of *London*, and in some Towns of *Essex*, exempted in the one, from the Jurisdiction of the Bishop of *London*; and in the other, from that of the Archbishop of *Canterbury*.

When the Convocation is adjourned from St. *Pauls* (for the conveniency of being nearer to the Parlement) to *Westminster*, the Bishops first declare (upon a Protestation made by the Dean there) that they intend not thereby to violate that high Priviledge, viz. *That no*

Bishop

Bishop or Archbishop may come there without leave of the Dean first obtained.

There is also a Fair Publick Library, free for all Strangers to study there both morning and afternoon alwayes in Term time.

Next this Church stood the Royal Palace, and usual place of Residence for the Kings of *England*, who ordinarily held their Parlaments, and all their Courts of Judicature in their dwelling Houses (as is done at this day, at *Madrid*, by the King of *Spain*) and many times sate themselves in the said Courts of Judicature, as they do still in their Court of Parlement.

A great part of this huge Palace was in the time of *Henry* the VIII. destroyed by fire, what remained hath still been imployed for

for the use of the Lords and Commons assembled in Parlement, and for the chief Courts of Judicature. The great Hall where these are kept, some say, was built by King *William Rufus*, others by King *Richard* the II. about 300 years agoe, and for all dimentions is not to be equalled by any Hall in Christendome.

Moreover, strangers and forreigners may take notice of the extraordinary Commodiousness, conveniency and situation of the present Royal Palace, and usual place of Residence, called *Whitehall*, belonging heretofore to Cardinall *Woolsey*, seated between a noble navigable River, and a most delectable Park; of the great Chamber there, called the *Banquetting House*,

Houſe, the like whereof, for ſpatiouſneſs, beauty, and exact proportion, no King in *Europe* can parallel; of another Royal Palace, called Saint *James*'s; of *Clarendon* houſe, which, for ſituation, and a uniform ſolid ſtructure is admirable; of the ſtately uniform Piles in St. *James*'s fields, of *Northumberland* houſe, of *Britaines Burſe*, or the New Exchange, a place excellently furniſht with all kind of choice Commodities and wares for Ladies; of the *Savoy*, a vaſt building, firſt erected by *Peter* Earle of *Savoy* and *Richmond*, Unkle to *Eleanor* wife to our King *Henry* the III. who after purchaſed the ſame for her Son *Edmund*, Duke of *Lancaſter*; and is now a famous Hoſpital, built all of huge ſtone, and more like

like a Kings Palace: of another Palace called *Somerset* house, built by *Edward* Duke of *Summerset*, Uncle to King *Edward* the VI. of the uniform stately Building and large *Piazzas* or places (for which the Cities in *Italy* are so highly esteemed) in Covent Garden, Lincolns Inn fields, and Southampton buildings, not to be equalled in any of our Neighbour Countries.

As for the Burrough of *Southwark*, granted by King *Edward* the VI. by His Letters Patents, to the Mayor Commonalty and Citizens of *London*, called the *Bridge*-Ward without, and governed by one of the 26 Aldermen of *London*; it hath nothing much remarkable, onely, that it is so rich and populous, that it payes more in a Subsidy

to

to the King, and musters more men, then any other City in *England* besides *London*.

Of the Universities of England.

THE *English* Universities are so famous beyond the Seas, and so much surpass all other in the World, that they abundantly deserve a larger Account then can sute with the designed brevity of this Manual; however they shall not be passed over in silence.

Nothing was ever devised more singularly beneficial to Gods Church, and mans happiness, then what our Ancestors have, to their eternal Renown, per-

performed by erecting such admirable Structures for Learning, as our Universities do contain, and by providing thereby that choice parts after reasonable time spent in contemplation may be called forth to act and practice in Church and State.

In the beautiful Fabrick of the Kingdom of *England*, the two Eyes are the two Universities *Oxford* and *Cambridge*, those two Nurseries or Seminaries of Learning and Religion, which for number and magnificene of richly endowed Colledges; for liberal stipends to all sorts of publick Professors; for well furnished Publick and Private Libraries, for large Charters, Priviledges and Immunities, for number and quality of Students, for exact Discipline and Order

are

are not to be parallel'd in the whole World.

They were anciently called *Academies*, from a *Grove* ſo named near *Athens*, whither *Plato Xenocrates* and other *Philoſophers* retired, for the Study of *Sciences*.

Of later times they have been ſtiled *Univerſities, a Profeſſione* Univerſalium *ſcientiarum & Artium liberalium.*

An *Univerſity* now is properly an *Incorporation* (under one Government) of many Publick Schools, ordained eſpecially for the Study and Profeſſion of *Divinity, Civil-Law* and *Phyſick*, and alſo of *Philoſophy*, and of other liberal Sciences and Arts as hand-maids to the former.

Oxford, quaſi Ousford, *Iſidis Vadum*,

dum, the name of the chief River whereon it is seated; or perhaps from *Bovis Vadum*, a Ford for Oxen to pass through before the use of Bridges, as *Thracius Bosphorus* signifying the like, is by the *Germans* called *Ochenfurt*.

It is seated at the meeting of two clear Fishy Rivers, in such a healthy Air, and pleasant rich Soyl, that it hath anciently been called *Bellositum*.

It lies in 51 Degrees 50 Minutes Latitude, and about 22 Degrees Longitude.

Oxford was a place of Publick Studies above 900 years agoe, and much augmented (not founded) by the learned *Saxon* King *Alfred*, hath been very antiently reckoned the second *University* amongst the four Principal

cipal of *Europe*, whereof the others are *Paris* in *France*, *Bononia*, now called *Bologna* in *Italy*, and *Salamanca* in *Spain*; and although *Paris* hath usually been named in the first place, yet it hath been acknowledged to be *Oxoniæ Propago*; and if *Paris* for a time was more flourishing, yet since, in many respects, is it excelled by this of *Oxford*.

Oxford is an antient City, consisting of two sorts of Inhabitants, *viz.* *Students* and *Citizens*, living one amongst another, though wholly separate for Government and Manners; for, when former Kings of *England* perceived that they could not (as at *Paris*) be separated by a River, they thought best to disjoyn them as much as might conveniently be by Priviledges

and

and whole manner of Government; so that there are not the same limits, for the *University* have them much larger; nor the same stroke and Authority of Justice, or Power of Magistrates; for, the Chancellor of the *University*, and in his absence his Vice-chancellor, is not only in Place, but in all Affairs of Moment (though concerning the City it self) superior to the Mayor of the Town.

Nor are they Governed by the same kind of Laws, for all Members of the *University* are subject to the Vice-chancellors Judicial Courts, which are ruled wholly by the Civil Law.

Over the *University*, next under the King, is placed the forementioned Magistrate, called the Chancellor; who is usually one

one of the Prime Nobility, and neareſt in favour with the Soveraign Prince, Elected by the *Students* themſelves in Convocation, to continue *durante vita:* whoſe Office is to take care of the Government of the whole *Univerſity*; to maintain the Liberties and Priviledges thereof, to call Aſſemblies, to hear and determine Controverſies, call Courts, puniſh Delinquents, *&c.*

This great Honour is enjoyed at preſent by *James* Duke of *Ormond*, Lord *Steward* of the Kings Houſhold.

The next in Dignity, amongſt the Officers of the *Univerſity* of *Oxford*, is the *High Steward*, who is nominated by the Chancellor, and approved by the *Univerſity*, and is alſo

durante

durante vita, whose Office is to assist the *Chancellor*, *Vice-chancellor* and *Proctors*, upon their requests, in the execution of their Places; also to hear and determine Capital Causes, according to the Laws of the Land, and Priviledges of the *University*, so oft as the Chancellor shall require him.

This Honour is held by *John* Earl of *Bridgewater*.

The third is the *Vice-chancellor*, who is yearly nominated by the Chancellor, and is commonly the Head of some Colledge. His duty is in the Chancellors absence to do whatever almost the Chancellor might do if he were present. Moreover he takes care that *Sermons*, *Lectures*, *Disputations*, and other Exercises be performed, that Hereticks,

Hereticks, Fanaticks, Nonconformists, Bauds, *&c.* be expelled the *University*, and the converse with *Students*; that the Proctors, and other Officers and publick servants of the *University*, duely perform their duty; that Courts be duely called, and Law-sutes determined without delay: in a word, that whatever is for the Honour and Profit of the *University* or may conduce for the advancement of good literature, may be carefully obtained. The present Vice-chancellor is Doctor *Richard Mews*, President of St. *Johns* Colledge.

Fourthly, the two Proctors, chosen every year out of the several Colledges by turnes: These are to assist in the Government of the *University*, more par-

particularly in the buſineſs of Scholaſtique Exerciſes, and taking Degrees, in ſearching after and puniſhing all violators of Statutes, or Priviledges of the *Vniverſity*, all Night-walkers, *&c.*

They have alſo the overſight of Weights and Meaſures, that ſo the Students may not be wronged.

They are at preſent Mr. *Alexander Pudſey* of *Magdalen* Colledge, and Mr. *Henry Smith* of *Chriſt Church.*

Next in order is the Publick Orator, whoſe buſineſs is to write Letters, according to the Orders of the Convocation or Congregation; alſo at the Reception of any Prince or Great Perſon that comes to ſee the *Vniverſity*, to make ſolemn Harangues,

rangues, &c. He is now *Robert South* Dr. in Divinity.

Then is the *Custos Archivorum*, or Keeper of Records, whose Duty it is, not only to collect, and keep the Charters, Priviledges and Records that concern the *Vniversity*, but also to be alwayes ready to produce them before the Chief Officers, and to plead the Rights and Priviledges of the said *Vniversity*. This Office is now in the Trust of Dr. *Wallis*.

Lastly, Is the Registeer of the *University*, Mr. *Couper*, whose Office is to Registeer all Transactions in Convocations, Congregations, Delegacies, &c.

Besides, the fore-mentioned Officers, there are certain publick servants of the *University*,

called Bedels, from the *Saxon* word *Bid*, to ſummon, admoniſh or Pray; of theſe there are ſix, whereof three are called Squire Bedels, and carry large Maces of Silver Guilt; the other three are ſtiled Yeomen Bedels, and carry large Silver Maces unguilt.

Their Office is alwayes to waite on the Vice-chancellor in publick, doing what belongs to his place, and at his Command to ſeize any Delinquent, and carry him to Priſon, to ſummon any, to publiſh the calling of Courts, or Convocations, to conduct Preachers to Church, or Lecturers to Schools, *&c.*

Vpon more ſolemn times and occaſions there is a ſeventh that carries in his hand a Silver Rod, and is thence called the Virger,

Virger, who, with all the other ſix walk before the Vice-chancellor, and is ready to obſerve his Commands, and to waite on Grand Compounders, *&c.*

Other publick Servants, of leſs note, ſhall be paſſed by.

Many Kings of *England* have been great Favourers of Learning, and eſteemed it their honour to give or enlarge the Priviledges of the *Univerſities*.

By Charter of *Ed.* 3. the Mayor of *Oxford* is to obey the Orders of the Vice-chancellor, and to be in ſubjection to him.

The Mayor, with the chief Burgeſſes in *Oxford*, and alſo the High-Sheriff of *Oxfordſhire*, every year in a Solemn manner take an Oath, given by the Vice-chancellor, to obſerve

ſerve and conſerve the Rights, Priviledges, and Liberties of the *Univerſity* of *Oxford.*

And every year, on the day of St. *Scholaſtica*, a certain number of the Principal Burgeſſes, publickly and ſolemnly to pay each one a Penny, in token of their ſubmiſſion to the Orders and Rights of the *Vniverſity.*

No Victuals to be taken by the Kings Purveyors within five Miles of *Oxford*, unleſs the King himſelf comes thither.

King *James* of happy Memory honoured both *Univerſities* with the Priviledge of ſending each two Burgeſſes to Parliament.

It is none of the leaſt Priviledges belonging to the two Vniverſities, that they are ſubject

ſubject to the Viſitation or Correction of none but the King, or whom he ſhall pleaſe to commiſſionate.

By Charter of *H.* 4. It is left to the choice of the Vice chancellor, whether any Member in the Univerſity, there inhabiting, accuſed for Felony or High Treaſon ſhall be tryed by the Laws of the Land, or by the Laws & Cuſtoms of the Univerſity, though now where life or limb is concerned, the Criminal is left to be tryed by the Laws of the Land.

No Students of *Oxford* may be ſued at common Law for Debts, Accounts, Contracts, Injuries, &c. bnt onely in the Court of the Vice-chancellor, who hath power to determine Cauſes, to impriſon, as aforeſaid, to give corporal puniſhment, to excom-

municate, to ſuſpend, and to baniſh.

Antiently in *Oxford* (as now in moſt Univerſities beyond the Seas) the Students without any diſtinction of Habit, lived in Citizens houſes, and had meeting places, to hear Lectures and diſpute. After that, there were divers Houſes for Students onely to live together in Society (as now in the Innes of Court and of Chancery at *London*) and thoſe places were called either *Inns* from the *Saxon*, or *Hoſtels* from the French, and at preſent are named Halls, where every Student lived wholly upon his own charges, until divers bountiful Patrons of Learning, in their great wiſdome, thought beſt to ſettle for ever plentiful Revenues in Lands and Houſes, to main-

maintain in Lodging, Dyet, Cloths, and Books, ſuch Students as by merit and worth ſhould from time to time be choſen, and to ſettle large ſalaries for Profeſſors to inſtruct them, and for a head to govern them acording to certain Statutes and Ordinances made by the ſaid Patrons or Founders. And theſe are called Colledges whereof the firſt thus endowed in *Europe*, were *Univerſity Baliol* and *Merton* Colledg in *Oxford*, all made Colledges in the 12*th* Century after the birth of Chriſt, although *Univerſity* Colledge hath been reckoned a place for Students ever ſince the year 872. by the Royal Bounty of our foreſaid Saxon King *Alfred*, and was antiently called the Viniverſity, where were divers

Professors, and all the Liberal Sciences read.

Of such endowed Colledges there are in *Oxford* 18. and of Halls, where, with the like Discipline Students live upon their own meanes, onely excepting some certain Exhibitions or Annual Pensions annext to some one or two of them: there are 7 of all which, the Names and Governours, See the first Part of the *Present State of England*.

These Colledges have within their own Walls, Lectures, Disputations, all Professions and Liberal Sciences read and taught, and in some of them, Publick Lectures for all Comers, and large Salaries for the Readers; insomuch that they seem so many compleat Universities, and are not inferiour to some in our

our Neighbour Countries. *Lipsius* (whose Testimony among the learned is very considerable) saith of one Colledge of *Oxford*, in his time, what might be said of some others there and in *Cambridge*, *Non credo in orbe terrarum extra Angliam simile esse, addam, aut fuisse: Magnæ illic opes & vectigalia*, &c. *Verbo vis dicam, Unum Oxoniense Collegium (rem inquisivi) superat vel decem nostra.*

The whole number of Students in *Oxford* that partake of the Revenues of the Colledges are about 1000: and of other Students about twice as many.

There were antiently in this University, before the founding of Colledges, 200 *Hospitia Studiosorum*, Inns Hostells or Halls; and as *Armachanus* writes, there

were 30000 Students, and 20 miles round *Oxford*, were by the Kings of *England* set apart for Provision in Victuals for this City.

The Discipline of these Colledges and Halls is far more exact and excellent than in any forreign University.

First, All that intend to take any Degree, are to take their Dyet and Lodging, and have a Tutor constantly in some Colledge or Hall, then they are to perform all Exercises, to be subject to all Statutes, and to the Head of the House: Next they are to be subject to the chief Magistrate of the University, to perform publick Exercise, and to be subject to the publick Statutes thereof. They are to suffer themselves to be shut

shut up by night in their several Houses. They are never to be seen abroad out of their Chambers, much less out of their Colledges, without their Gowns, (an excellent Order, no where observed in forreign parts but in *Spain*.) Their Gowns are all to be black: onely the Sons of the higher Nobility are herein indulged, and all Doctors are honoured with purple or rather scarlet Robes, which antiently were allowed onely to Emperours or Kings, but now in *England*, besides the King, all Peers in Parlament, all Doctors in the Universities, all Mayors and Governours of Cities, and all the Principal Judges are at certain times clothed in Scarlet.

The Degrees taken in the University are onely two, *viz.*

of

of *Bachelar* and *Master* (for so they are antiently called, as well in Divinity, Law and Physick, as in the Arts.) At present, the Degrees in those three Professions are called *Bachelars* and Doctors, onely in the Arts, *Bachelar* and *Master*: yet is it not to be supposed, that because in Musick, one of the Liberal Arts, he that takes the second Degree is usually now stiled a Doctor, therefore to be preferred before a Master of Arts, who is Doctor of all the Liberal Arts: yet men, otherwise learned, have sometimes committed such errours by their ignorance in words and names.

Every year, at the Act or time of compleating the Degree of Master, both in the three Pro-

Professions and Arts (which is alwayes the Munday after the sixt of *July*) there are (unless some extraordinary occasion hinders) great solemnities, not onely for publick Exercises, but Feastings, Comedies, and a mighty Concourse of strangers, from all parts to their friends and Relations; then compleating their Degrees, whereby and by the set Fees, it usually costs a Doctor of Divinity, Law or Physick about one hundred pounds sterling, and a Master of Arts 20 or 30 *l.* sterl.

In these three Professions, and in the Arts, there proceed Masters or Doctors yearly about 150, and every Lent about 200 Bachelars of Arts.

The time required by Statute, for studying in the Univer-

sity

sity, before the taking of the forementioned Degrees, because it is much longer then what is required in any forreign University, shall here be set down more particularly.

To take the Degree of *Bachelar* in Arts, is required 4 years, and 3 years more for to be Master of Arts.

To take the Degree of *Doctor* in Divinity, the Student must necessarily, first, have taken the Degree of *Master* of Arts, and then after 7 years more he is capable of being *Bachelar* in Divinity, and then 4 years more is requisite before the Degree of *Doctor* can be had.

To take the Degree of Doctor of Laws, the more ordinary way is, in 3 years after Master of Arts, one may be capable of the

the Degree of *Bachelar*, and in 4 years more of Doctor of Laws, the like for Doctor in Phyſick.

The Exerciſes required for taking theſe Degrees are many and difficult enough, yet not ſuch, but that may be performed in leſs time, by any men of good abilities: but it was the wiſdome of our Anceſtors ſo to order, that before thoſe degrees were conferred upon any, and they allowed to practice, they might firſt gain judgment and diſcretion, which comes with time and years, and perhaps, that thoſe of ſlower parts might, by time and induſtry, make themſelves capable of that honour, as well as thoſe of quicker Abilities.

To ſpeak now particularly of the

the Publick Schooles in *Oxford*, of the large Salary to each Publick Professor, of the most famous *Bodlean Library*, that for number of choice books, curious Manuscripts, diversity of Languages, liberty of Studying, facility of finding of any Book, equals, if not surpasses, the famous *Vatican*: to speak of the curious Architecture, and vast charges of the New Theater, fabriqued by the most ingenious Dr. *Christopher Wren*, at the sole cost and charges of the most Reverend Father in God, *Gilbert*, the present Archbishop of *Canterbury*, for the use of Scholastick Exercises, and of that most excellent Printing Press there: to speak of the beautiful, solid Stone Buildings, Chappels, Halls, Libraries, large Revenues

venues, admirable Diſcipline of ſeveral Colledges: to deſcribe the moſt delightful Publick Phyſick Garden, abounding with variety of choice Plants, and ſurrounded with ſtately ſtone Walls at the ſole expences of the Right Honorable *Henry* Earl of *Danby*, would require another Volume.

What hath been ſaid of *Oxford*, the like may be ſaid of her Siſter *Cambridge*, which for Antiquity, Beautiful Colledges, large Revenues, number of Students, plenty of diet, and of all other things neceſſary for advancement of Learning (if in complaſance ſhe will at any time give place to *Oxford*, yet at the ſame time) will challenge precedence before any other Univerſity of the Chriſtian World.

These

These are the two glorious Fountaines of Learning, to the fame whereof, Forreigne s come on pilgrimage to offer up honor and admiration; and yet, even these had lately been like to be dryed up, by the over-heated Zeal of some ignorant Fanatiques.

These are the chiefest storehouses of Lettered men, which sends forth yearly a great number of Divines, Civilians, Physitians, &c. to serve all parts of this Kingdome.

To supply these great Storehouses, there are, in several parts of *England*, Grammar Schools, whereof the principal are *Pauls*, *Westminster*, *Wincheſter*, *Eaton*, *Merchant-Taylers*, the *Charterhouse*, all richly endowed to maintain Masters, Ushers, and a cer-

certain number of Scholars; so that a child once admitted into these Schools, if he become capable, may at length be preferred to be Scholar or Fellow in some Colledge of one of those Universities, and will want little or no assistance from his Parents all his life time after.

Besides these there are of late Gramma Schools founded and endowed, in almost every Market Town of *England*. wherein the Children of the Town are onely to be taught *gratis*, without any other allowance: but in the multiplying of these Schooles it may be doubted whether there appeared not more zeal then prudence, For the Parents of such, School-boyes, not able to advance them to the Vniversities; all the rest besides Reading and

Wri-

Writing becomes uſeleſs, and the Youths by 8 or 10 years lazy living rendred unapt for the labour belonging to the more profitable Plough, uſually turn either Servingmen, or Clerks to Juſtices or Lawyers, whereby they learn much Chicanry, they become cunning Petty-foggers, multiply Law-ſutes and cozen their Country: or, if perhaps, they are ſet to Trades, that little ſmattering in learning, got at the Grammar School, renders them commonly proud, ſtiff-necked, ſelf-conceited, unapt to be governed, apt to embrace every new doctrine, hereſy, ſchiſm, Sect and Faction: Or, in caſe their Parents are able to put them to the Vniverſity, yet for want of ſufficient maintenance and reſidence there, they get

get onely to be half learned, and thereby a propenſity to preach Faction, Sedition and Rebellion, to ſeduce thoſe that are more ignorant then themſelv's, as was evident in our late unhappy troubles, where it was obſerv'd, that the *Seducers* were generally ſuch as had been from thoſe Market Latin Schools advanc'd to be either Commoners or Servitors, for a ſhort time in the Univerſity, and the *Seduced*, ordinarily, ſuch as from thoſe Scholes became afterward Trades-men or Artificers: If ſuch had been endowed with more or perhaps with leſs knowledge, they had probably been much more humble, loyal and obedient, to their Governours, both Civil and Eccleſiaſtical, and therefore, the late King of *Spain* conſulting with his ableſt Counſellors of State for a ge-

general Reformation of matters that were found, by experience, to be inconvenient and prejudicial to his Kingdomes; after mature deliberation, came to this resolution, That amongst other abuses, the great number of Country Grammar Schools should by a solemn *Prematica* or *Ordnance* be diminished, and the Childrens time better employed at Manufactures, Trades, Husbandry, &c. Besides, upon serious Consideration it will be found that *England* is overstockt with Scholars for the proportion of its Preferments, and for its Employments for lettred persons, whereby it comes to pass that too many live discontented, and longing for Innovations and Changes, and watching for an Opportunity to alter the Gover-

vernment both of Church and State.

Thus the *Reader* hath had a ſmal Map of a great Monarchy, the moſt juſt and eaſy that ever any people liv'd under (except onely thoſe who lived in *England* before the late unparalleld Rebellion) and many wayes more happy then that which the great and good States-man *Philip Comines* ſo much admired in his dayes, when he declared (after he had much commended the Policy of the *Venetian* Common-wealth) that amongſt all the Seigneuries in the world, *England* was the Country where the State was beſt ordered, and where there was the leaſt Violence and Oppreſſion upon the People.

FINIS.